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01400-708

(11) 274-5451



back to S. J. Green

Levi Slack Jr.
CTY-LEB
Lebanon County Prison
MMIP-0227
730 E. Walnut Street
Lebanon, PA 17042

Re: 1:01-cv-00708

Please file all pleadings directly with the Clerk's Office in which the assigned Judge is located. Do not file any courtesy copies with the Judge's Chambers.

JUDICIAL OFFICERS:

Judge Sylvia H. Rambo
Judge Yvette Kane
Judge William W. Caldwell
Magistrate Judge J. Andrew Smyser

CLERK'S OFFICE ADDRESS:

U.S. District Court
228 Walnut Street
P.O. Box 983
Harrisburg, PA 17108

Chief Judge Thomas I. Vanaskie
Judge A. Richard Caputo
Judge James M. Munley
Judge William J. Nealon
Judge Richard P. Conaboy
Judge Edwin M. Kosik
Magistrate Judge Malachy E. Mannion
Magistrate Judge Thomas M. Blewitt

U.S. District Court
235 N. Washington Ave.
P.O. Box 1148
Scranton, PA 18501

Judge James F. McClure
Judge Malcolm Muir

U.S. District Court
240 West Third Street
Suite 218
Williamsport, PA 17701

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEVI SLACK, JR.,
Plaintiff

vs.

LEBANON COUNTY CORRECTIONAL
FACILITY, et al.,
Defendants

:

:

: CIVIL ACTION NO. 1:CV-01-0708

:

:

FILED
HARRISBURG, PA

OCT 23 2001

O R D E R

MARY E. D'ANDREA, CLERK
PER JF DEPUTY CLERK

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

The magistrate judge filed a report and recommendation, dated August 23, 2001, recommending that we dismiss Plaintiff's complaint, in part, because Plaintiff did not respond to the Defendants' pending motion to dismiss and/or for summary judgment. After consideration of the report, we issued an order on October 2, 2001, directing Plaintiff to file a statement indicating whether he intends to oppose Defendants' motion. On October 16, 2001, Plaintiff filed a statement indicating that he wishes to proceed with this action.

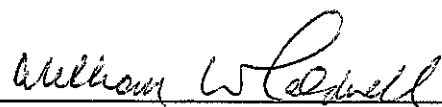
To allow Plaintiff to properly respond to the Defendants' motion, we will order the Clerk of Court to send Plaintiff the documents in this case that he never received, and we will grant him leave to oppose Defendants' motion.

Accordingly, this 23rd day of October, 2001, it is ordered that:

1. The Clerk of Court shall deliver to Plaintiff, Levis Slack, Jr., the following documents: Standing Practice Order, dated April 24, 2001, (Doc. No. 6); Order of the Magistrate Judge, filed April 27, 2001, (Doc. No. 7); Defendants' Motion to Dismiss and/or for Summary Judgment, dated July 12, 2001, (Doc. No. 12); Defendants' Supporting Brief, dated July 12, 2001, (Doc. No. 13); Order of the Magistrate Judge, filed August 10, 2001, (Doc. No. 14); and Report of the United States Magistrate Judge, dated August 23, 2001, (Doc. No. 16).

2. Plaintiff shall file an appropriate response to the Defendants' pending motion within twenty (20) days of the date of this Order.

3. This case is remanded to the Magistrate Judge for further proceedings. .


William W. Caldwell
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEVI SLACK, JR.,

Plaintiff

v.

LEBANON COUNTY CORRECTIONAL
FACILITY, et al.,

Defendants

CIVIL ACTION NO. 4:CV-01-0708

(Judge Caldwell)

(Magistrate Judge)

RECEIVED
SCRANTON

AUG 23 2001

PER
PER DEPUTY CLERK

REPORT AND RECOMMENDATION

Plaintiff, while an inmate at the Lebanon County Prison, Lebanon, Pennsylvania, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 23, 2001. With his complaint, Plaintiff submitted an application for leave to proceed *in forma pauperis*. Plaintiff is proceeding *pro se*.

The court issued an order on August 10, 2001, directing Plaintiff to respond to Defendants' Motion to Dismiss the Complaint. (Doc. 14). A copy of said Order was mailed to Plaintiff at the Lebanon County Correctional Facility; it was returned to the Court marked "Return to Sender- Released - Left No Address." (Doc. 15).

An unrepresented party must maintain on file with the clerk a current address; all documents served at the address on file shall be deemed to be effective service on that party. Rule 83.18, M.D. Pa. Rules of Court.

In the Standing Practice Order filed in this action on it is set forth that:

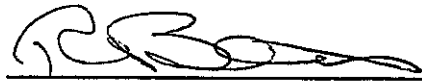
A *pro se* plaintiff has the affirmative obligation to keep the court informed of his or her address. Should such address change in the course of this litigation, the plaintiff shall immediately inform the court of such change, in writing. If the court is unable to communicate with the plaintiff because the plaintiff has failed to notify the court of his or her address, the plaintiff will be deemed to have abandoned the lawsuit.

(Doc. 6, p. 4).

The Plaintiff has not had any contact with this court since April 23, 2001, when he filed his complaint and accompanying documentation. (Docs. 1-4). He has failed to notify the court of his new address.

Federal Rule of Civil Procedure 41(b) allows for the dismissal of an action for "failure of the plaintiff to *prosecute* or comply with these rules or *order of court*, . . ." (emphasis added). In the instant case, Plaintiff has failed to both prosecute the action and to comply with an order of the court by his failure to keep the court apprised of his current whereabouts.

Based on the foregoing, it is respectfully recommended that the complaint be dismissed on the basis of Plaintiff's failure to notify the Court of his whereabouts and for failure to prosecute the action.



THOMAS M. BLEWITT
United States Magistrate Judge

Dated: August 23 2001

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEVI SLACK, JR.,	:	CIVIL NO. 4:CV-01-0708
	:	
Plaintiff	:	
	:	(Judge Caldwell)
v.	:	
	:	(Magistrate Judge Blewitt)
LEBANON COUNTY CORRECTIONAL	:	
FACILITY, et al.,	:	
	:	
Defendants	:	

FILED
SCRANTON

AUG 23 2001

NOTICE

PER _____

DEPUTY CLERK

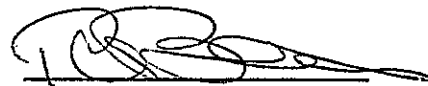
NOTICE IS HEREBY GIVEN that the undersigned has entered the foregoing

Report and Recommendation dated August 23, 2001.

Any party may obtain a review of the Report and Recommendation pursuant to Rule 72.3, which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within ten (10) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the

magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

A handwritten signature in black ink, appearing to read 'T. M. Blewitt', written over a horizontal line.

THOMAS M. BLEWITT
United States Magistrate Judge

Dated: August 23 2001

5/13/01 YB
14

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEVI SLACK, JR.,

Plaintiff

v.

LEBANON COUNTY CORRECTIONAL
FACILITY, et al.,

Defendants

CIVIL ACTION NO. 1:CV-01-0708

(Judge Caldwell)

(Magistrate Judge Blewitt)

FILED
SCRANTON

AUG 10 2001

ORDER

PER

DEPUTY CLERK

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

The Plaintiff has filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding pro se.

A Motion to Dismiss the complaint was filed on behalf of Defendants on July 12, 2001 (Doc. 12). A brief in support of the motion was filed on the same date. (Doc. 13). Plaintiff's brief in opposition to the motion is long overdue. The Plaintiff has failed to make any filings or request an extension of time in which to do so.

A Standing Practice Order was issued by the Court on April 24, 2001, which contained an explanation of the procedure to be followed when motions are filed and a copy of the pertinent portions of the Local Rules of Court. (Doc. 6).

Defendants' Motion to Dismiss is presently unopposed. M.D. Pa. Local Rule 7.6. Generally, a dispositive motion may not be granted merely because it is unopposed. Because Loc

Rules of Court must be "construed and applied in a manner consistent with the Federal Rules of Civil Procedure," Anchorage Assoc. v. Virgin Islands Board of Tax Review, 922 F.2d 168, 174 (3d Cir. 1990), the disposition of an unopposed motion ordinarily requires a merits analysis. However, the Third Circuit has stated that Local Rule 401.6¹ can be applied to grant a motion to dismiss without analysis of the complaint's sufficiency "if a party fails to comply with the rule after a specific direction to comply from the court." Stackhouse v. Mazurkiewicz, 951 F.2d 29, 30 (3d Cir. 1991).

Because the Plaintiff's failure to either file a brief in opposition to the Defendants' motion or to request an extension of time within which to do so indicates that he may have lost interest in prosecuting this action, dismissal of the case without a merits analysis under the authority of Stackhouse will be recommended if the Plaintiff fails to file a brief in opposition to Defendants' Motion to Dismiss in accordance with Local Rule 7.6 on or before **August 23, 2001**. An additional copy of the Standing Practice Order is included herein for the Plaintiff's reference.

AND NOW, this 10th day of August, 2001, IT IS HEREBY ORDERED THAT:

1. The Clerk of Court is directed to serve a copy of this Order, together with the Standing Practice Order (Doc. 6) on the Plaintiff.
2. Plaintiff is directed to file a brief in opposition to Defendants' Motion to Dismiss (Doc. 12) on or by **August 23, 2001**.

1. Now by amendment of December 30, 1993, renumbered Local Rule 7.6.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

August 13, 2001

Re: 1:01-cv-00708 Slack v. Lebanon County

True and correct copies of the attached were mailed by the clerk to the following:

Levi Slack Jr.
CTY-LEB
Lebanon County Prison
MMIP-0227
730 E. Walnut Street
Lebanon, PA 17042

w/Pro Se order

David L. Schwalm, Esq.
Thomas, Thomas & Hafer, LLP
305 North Front Street
Sixth Floor, P.O. Box 999
Harrisburg, PA 17108

cc:

Judge	()	() Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
Other _____	()	

MARY E. D'ANDREA, Clerk

JB 8/13/01

copy 1

JUDGE'S COPY

David L. Schwalm, Esquire
Thomas, Thomas & Hafer, LLP
 Attorney I.D. #32574
 305 North Front Street
 P. O. Box 999
 Harrisburg, PA 17108-0999
 (717) 255-7643
 Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEVI SLACK, JR.,
 Plaintiff

v.

LEBANON COUNTY
 CORRECTIONAL FACILITY, et al.,
 Defendants

CIVIL ACTION - LAW

NO. 1: CV 01-0708

(JUDGE CALDWELL)

(MAGISTRATE JUDGE BLEWITT)

FILED
 HARRISBURG

JUL 12 2001

MARY E. D'ANDREA, CL
 Per. gld
 DEPUTY CLERK

**BRIEF IN SUPPORT OF DEFENDANTS' MOTION
 TO DISMISS OR FOR SUMMARY JUDGMENT**

I. STATEMENT OF FACTS

Plaintiff Levi Slack commenced this action on or about April 23, 2001 by filing a Civil Rights Complaint. On February 13, 2001, Plaintiff was temporarily transferred from Greene State Correctional Institution (hereinafter "Greene") to Lebanon County Correctional Facility (hereinafter "LCCF") pursuant to a court order dated February 9, 2001. Plaintiff was placed in administrative segregation at LCCF by Defendant Raiger and Defendant Karnes on February 28, 2001 and remained in administrative segregation up through the time Plaintiff filed his Complaint. Plaintiff was informed that his placement in administrative segregation was due to his state correctional record classifying him as a security risk. While placed in administrative segregation, Plaintiff avers that he repeatedly became ill and had to continually pay for medical care.

Plaintiff was transferred back to Greene on April 30, 2001.

II. PROCEDURAL HISTORY

Plaintiff commenced this action with the filing of the Civil Action Complaint on or about April 23, 2001. In his Complaint, Plaintiff requests monetary damages for pain and suffering, asks that his incarceration record reflect that he was unjustly classified as a security risk at LCCF, and wishes to be reimbursed for the medical treatment he received while housed at LCCF. Plaintiff's Complaint purports to state a federal law claim against the Defendants pursuant to 42 U.S.C. § 1983.

Defendants simultaneously filed the corresponding Motion to Dismiss, or in the alternative, Motion for Summary Judgment, with this brief in support of said motion.

III. ISSUE

- A. **SHOULD DEFENDANTS' MOTION TO DISMISS BE GRANTED PURSUANT TO RULE 12(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE, OR IN THE ALTERNATIVE, SHOULD SUMMARY JUDGMENT BE GRANTED IN FAVOR OF THE DEFENDANTS?**

Suggested Answer: YES

IV. ARGUMENT

42 U.S.C. § 1983 holds any person who, under the color of state law, subjects or causes to be subjected, any citizen of the United States to be deprived of any rights, privileges or immunities secured by the Constitution, liable to the party injured in an action at law, suit in equity or any other proper proceeding for redress. 42 U.S.C. § 1983. The purpose of 42 U.S.C. § 1983 is to deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights and to provide relief to victims if such relief fails. Wyatt v. Cole, 112 S. Ct. 1827, 118 L. Ed. 2d 504

(1992). Plaintiff's Complaint purports to state a federal law claim against Defendants pursuant to 42 U.S.C. § 1983.

Plaintiff's placement in administrative segregation was justified and did not amount to cruel and unusual punishment. The transfer report received from Greene verified that Plaintiff had a history of problems involving drugs, sex, assault and escape, and recommended that Plaintiff be held in "tight security." Along with the transfer report, LCCF also received Plaintiff's conduct record, consisting of a total of twenty-eight reported misconducts from August 4, 1997 through the time of the transfer. These misconducts included charges of refusing to obey an order, use of offensive or abusive language, fighting, threatening an employee, possession of contraband, and destroying, altering, or damaging property. The report and record of misconducts, along with Greene's recommendation that Plaintiff be held in "tight security" provide more than adequate justification for placing Plaintiff in administrative segregation. Additionally, Defendants followed LCCF's standard operating procedures by placing Plaintiff in administrative segregation. According to a memo issued by Defendant Raiger to all LCCF employees, administrative security lock-up may be ordered if an inmate is considered to be a threat to institutional security, a threat to himself/herself, or a threat to other inmates or staff members. A copy of LCCF's Standard Operating Procedures regarding administrative segregation and the memo issued by Defendant Raiger is attached to Defendants' corresponding Motion as Exhibit "D".

Plaintiff's placement in administrative segregation, for the purpose of protecting the safety and security of LCCF, did not rise to the level of a constitutional violation of the Eighth Amendment or the Fourteenth Amendment. Prison officials have broad discretion in the use of protective confinement. Bloeth v. Montanye, 514 F.2d 1192 (2nd

Cir. 1975). In Griffin v. Vaughn, the court held that to prove the existence of cruel and unusual punishment, a prisoner must show that he was denied basic human needs, such as food, clothing, shelter, sanitation, medical care and personal safety. Griffin v. Vaughn, 112 F. 3d 703 (3rd Cir. 1997). The court further noted that a fifteen month placement in administrative segregation was not considered to be cruel and unusual punishment.

Plaintiff's placement in quarantine, with inmates who were not medically cleared, did not constitute cruel and unusual punishment. The conditions in administrative segregation did not involve a deprivation of a basic human need. Plaintiff never averred the deprivation of a human need or any medical indifference towards his alleged illnesses, and was afforded all necessary medical treatment.

Although Plaintiff's Complaint specifically avers Defendant Raiger's and Defendant Karnes' involvement in Plaintiff's allegations, Plaintiff's pleadings assert only allegations of vicarious liability against Defendant LCCF, Defendant Gerrity, Defendant Russell, Defendant McIntyre and Defendant Stuckey. The court in Howard v. Adkison, held that supervisors at prisons are not liable for Eighth Amendment claims brought under § 1983. Howard v. Adkison, 887 F.2d 134 (8th Cir. 1989). Merely naming the Defendants and the positions each Defendant held is not sufficient to state a claim under § 1983. The doctrine of Respondeat Superior is not an acceptable basis for liability under 42 U.S.C. § 1983, thus, Defendants cannot be held vicariously liable. Durmer v. O'Carroll, 991 F.2d 64 (3rd Cir. 1993).

Summary Judgment is appropriate when there is no genuine issue of material fact and...the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56. An issue of material fact exists only if "the evidence is such that a reasonable jury could

return a verdict for the nonmoving party.” Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 91 L.ed. 2d 202, 106 S. Ct. 2505 (1986).

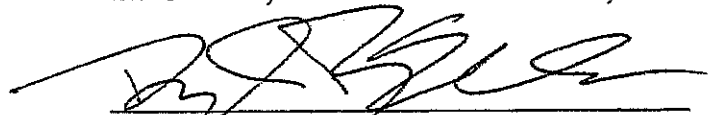
After reviewing all pleadings, as well as the prison record, it is clear that no genuine issue of material fact exists as to why Plaintiff was placed in administrative segregation. Also, no genuine issue of material fact exists as to the Plaintiff's inability to prove that he was deprived of a necessary human right while placed in administrative segregation.

IV. CONCLUSION

Plaintiff's Complaint fails to state a cause of action against all named Defendants pursuant to 42 U.S. C. § 1983 and should be dismissed for failure to state a claim upon which relief can be granted. In the alternative, no genuine issue of material fact exists as to why Plaintiff was placed in administrative segregation or Plaintiff's inability to prove that he was deprived of a necessary human right while in administrative segregation.

Defendants respectfully request that this Honorable Court grant Defendants' Motion to Dismiss, or in the alternative, that this Honorable Court grant summary judgment in favor of the Defendants, in whole or in part.

THOMAS, THOMAS & HAFFER, LLP



David L. Schwalb, Esquire
Attorney I.D. No. 32574
305 North Front Street
P.O. Box 999
Harrisburg, PA 17108-0999
(717) 255-7643
Attorneys for Defendants

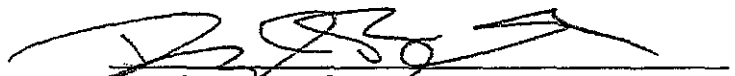
Date: July 12, 2001
:135631.1

CERTIFICATE OF SERVICE

I, David L. Schwalm, Attorney for Thomas, Thomas & Hafer, LLP, hereby certify that a copy of the foregoing document was served upon the following, by enclosing a true and correct copy in an envelope addressed as follows, postage prepaid:

Levi Slack, Jr.
MMIP-0227
c/o Lebanon County Prison
730 E. Walnut Street
Lebanon, PA 17042

THOMAS, THOMAS & HAFER, LLP



David L. Schwalm, Esquire
Attorney I.D. # 32574
305 North Front Street
P. O. Box 999
Harrisburg, PA 17108-0999
(717) 255-7643
Attorneys for Defendants

Date: July 12, 2001

JUDGE'S COPY

copy (12)

David L. Schwalm, Esquire
Thomas, Thomas & Hafer, LLP
 Attorney I.D. #32574
 305 North Front Street
 P. O. Box 999
 Harrisburg, PA 17108-0999
 (717) 255-7643
 Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG

JUL 12 2001

LEVI SLACK, JR.,
 Plaintiff

CIVIL ACTION - LAW

v.

NO. 1: CV 01-0708

MARY E. D'ANDREA, CL

Per [Signature]
 DEPUTY CLERK

LEBANON COUNTY
 CORRECTIONAL FACILITY, et al.,
 Defendants

(JUDGE CALDWELL)
 (MAGISTRATE JUDGE BLEWITT)

MOTION OF DEFENDANTS LEBANON COUNTY
CORRECTIONAL FACILITY, et al., TO DISMISS
OR FOR SUMMARY JUDGMENT

AND NOW, come Defendants Lebanon County Correctional Facility, et al., by and through their attorneys, Thomas, Thomas & Hafer, LLP, and move this Court to dismiss the action pursuant to Federal Rule of Civil Procedure 12(b)(6) or, in the alternative, grant summary judgment in favor of the Defendants.

1. On or about April 23, 2001, Plaintiff Levi Slack commenced this action by filing a Civil Rights Complaint.
2. Plaintiff's Complaint alleges that he has been falsely classified as a security risk, that his placement in administrative segregation was unjustified.
3. Defendants include the Lebanon County Correctional Facility, Robert L. Raiger, Robert J. Karnes, Michael J. Gerrity, John R. Russell, Edward B. McIntyre, and Michael K. Stuckey (hereinafter "Defendants.")

4. Plaintiff's Complaint purports to state a federal law claim against the Defendants pursuant to 42 U.S.C. § 1983.

5. Plaintiff Levi Slack was temporarily transferred on February 13, 2001, from Greene State Correctional Institution to Lebanon County Correctional Facility (hereinafter "LCCF"), pursuant to a Court Order dated February 9, 2001.

6. Plaintiff was discharged from LCCF and transferred back to Greene on April 30, 2001.

7. The operative facts, as plead by Plaintiff, disclose that Plaintiff was placed in administrative segregation at LCCF by Defendant Raiger and Defendant Karnes on February 28, 2001 and remained there up through the time Plaintiff filed the Complaint.

8. This placement in administrative segregation was due to his state correctional record classifying him as a security risk.

9. Plaintiff avers that this classification was unjustified because he has not received any misconducts while housed at Lebanon County Correctional Facility.

10. Plaintiff's incarceration record reports twenty-eight misconducts prior to Plaintiff's transfer to LCCF. A copy of Plaintiff's conduct record is attached hereto and marked Exhibit "C".

11. While housed at LCCF, Plaintiff was placed on disciplinary lockdown for a period of fifteen days for "making unsanitary conditions by trashing the dayroom floor." A copy of the LCCF Disciplinary Board Hearing Report is found in Plaintiff's LCCF prison record, which is incorporated herein and attached hereto as Exhibit "A".

13. While in administrative segregation, Plaintiff maintains that he was housed in quarantine, which consisted of inmates not medically cleared, and was afforded recreation time only with the quarantined inmates.

13. Plaintiff avers that he repeatedly became ill and had to seek medical treatment, all of which he was charged for. Plaintiff submits that this treatment constituted cruel and unusual punishment.

14. To prove the existence of cruel and unusual punishment, a prisoner must show that he was denied basic human needs, such as food, clothing, shelter, sanitation, medical care and personal safety. Griffin v. Vaughn, 112 F. 3d 703 (3rd Cir. 1997).

15. Plaintiff's Complaint fails to state a cause of action against all named Defendants pursuant to 42 U.S.C. § 1983 for the following reasons:

(a) Even if the facts as pleaded by the Plaintiff are established, the facts do not rise to the level of a constitutional violation of the Eighth Amendment or the Fourteenth Amendment to the United States Constitution.

(b) The transfer report Defendants received from Greene verified that Plaintiff had a history of problems involving drugs, sex, assault and escape. The report recommended that Plaintiff be kept under "tight security." Plaintiff's placement in administrative segregation was not unjustified and did not amount to cruel and unusual punishment. A copy of the Plaintiff's state correctional record, including Plaintiff's transfer report, is incorporated herein and attached hereto as Exhibit "B".

(c) Plaintiff's placement in administrative segregation, for the purpose of protecting the safety and security of the Lebanon County Correctional Facility, did not rise to the level of a constitutional violation of the Eighth Amendment or the Fourteenth Amendment. Prison officials have broad discretion in the use of protective confinement. Bloeth v. Montanye, 514 F.2d 1192 (2nd Cir. 1975).

(d) Defendants cannot be held vicariously liable under 42 U.S.C. § 1983. The doctrine of Respondeat Superior is not an acceptable basis for liability under 42 U.S.C. § 1983. Durmer v. O'Carroll and Barker and Fauver, 991 F.2d 64 (3rd Cir. 1993); Howard v. Adkinson and Jackson, 887 F.2d 134 (8th Cir. 1989).

16. Plaintiff's Complaint should be dismissed for failure to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6).

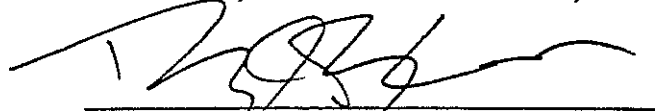
17. Summary Judgment is appropriate when there is no genuine issue of material fact and...the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56 (c).

18. An issue of material fact exists only if "the evidence is such that a reasonable jury could return a verdict for the nonmoving party." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 91 L. ed. 2d 202, 106 S. Ct. 2505 (1986).

19. After reviewing all pleadings and the prison record, it is clear that no genuine issue of material fact exists as to why Plaintiff was placed on administrative segregation or Plaintiff's inability to prove that he was deprived of a necessary human right while in administrative segregation.

WHEREFORE, Defendants Lebanon County Correctional Facility, Robert L. Raiger, Robert J. Karnes, Michael J. Gerrity, John R. Russell, Edward B. McIntyre, and Michael K. Stuckey, by their attorneys, Thomas, Thomas & Hafer, LLP, respectfully request that all Counts of Plaintiff's Complaint be dismissed with prejudice, for failure to state a claim upon which relief can be granted, or in the alternative, that this Honorable Court grant summary judgment in favor of the Defendants, in whole or in part.

THOMAS, THOMAS & HAFER, LLP



David L. Schwalm, Esquire
Attorney I.D. No. 32574
305 North Front Street
P.O. Box 999
Harrisburg, PA 17108-0999
(717) 255-7643
Attorneys for Defendants

Date: July 12, 2001
:135631.1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEVI SLACK, JR.,
Plaintiff

v.

LEBANON COUNTY
CORRECTIONAL FACILITY, et al.,
Defendants

CIVIL ACTION -- LAW

NO. 1: CV 01-0708

AFFIDAVIT OF ROBERT L. RAIGER

1, Robert L. Raiger, swear and affirm that the following statements are true:

1. I am the Warden of the Lebanon County Correctional Facility.

2. A true and correct copy of Plaintiff's prison record at the Lebanon County Correctional Facility is attached hereto and marked as Exhibit "A".

3. On February 13, 2001, Plaintiff Levi Slack was transferred from Greene State Correctional Institution to Lebanon County Correctional Facility pursuant to a Court Order dated February 9, 2001.

4. Plaintiff Levi Slack's state correctional record, sent to the Lebanon County Correctional Facility, classified Plaintiff as a security risk and recommended tight security. A true and correct copy of Plaintiff's state correctional record is attached hereto and marked as Exhibit "B".

5. Plaintiff Levi Slack's state correctional record indicated that Plaintiff had a verified history of escape.

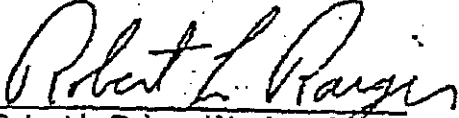
6. Plaintiff Levi Slack's state correctional record indicated that Plaintiff had a verified history of assault.

7. Plaintiff Levi Slack's conduct record reflected twenty-eight reported misconducts prior to Plaintiff's transfer to Lebanon County Correctional Facility. A copy of Plaintiff's conduct record is attached hereto and marked as Exhibit "C".

8. Plaintiff Levi Slack's reported misconducts included charges of refusing to obey an order, use of offensive or abusive language, fighting, threatening an employee, possession of contraband, and destroying, altering or damaging property.

9. My decision to place Plaintiff Levi Slack in administrative segregation was based on Greene State Correctional Institution's recommendation that Plaintiff be held in tight security.

10. Plaintiff Levi Slack was placed in, and remained in administrative segregation pursuant to Lebanon County Correctional Facility's standard operating procedure guidelines. A copy of the applicable guidelines is attached hereto and marked as Exhibit "D".


Robert L. Raiger, Warden of the
Lebanon County Correctional Facility

LEBANON COUNTY CORRECTIONAL FACILITY

Robert L. Raiger, Warden
Michael J. Gerrity, Deputy Warden - Conditions
John R. Russell, Deputy Warden - Training
Edward B. McIntyre, Director of Training
Michael K. Stuckey, Director of Work Release
Capt. Robert J. Karnes, Director of Security

730 E. Walnut St.
Lebanon, PA 17042
Phone: 717-274-5451
FAX: 717-274-1338

DISCIPLINARY BOARD HEARING

DATE: 4/9/01

125

NAME: LEVI SLACK

OFFENSE: MAKING UNSANITARY CONDITIONS, TRASHING DAYROOM FLOOR

DATE OF OFFENSE: 4/4/01

TIME OF OFFENSE: 10:20 P.M.

BOARD MEMBERS: CHAIRMAN: JOHN R. RUSSELL

MEMBER: Perry Gerrert

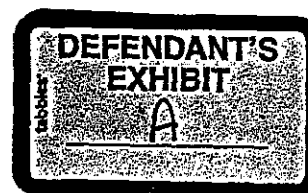
1. Miranda Rights read to LEVI SLACK by JOHN R. RUSSELL

2. Misconduct Report read to LEVI SLACK by JOHN R. RUSSELL

3. Comments of Inmate: Mr. Slack came before the board and did admit that dumped his trash outside his cell due to being frustrated at attempting to speak an Officer regarding a question that he had. He went on to say that he was getting "stircrazy" from lack of physical exercise and being "locked-down" almost constantly. He went on to state that while upstate he would be able to exercise 2-3 times daily and have a job to occupy his mind; while here it was all "deadtime". He went on to say that he had the trash pushed in front of his cell and that he cleaned it up and apologized to Officer LaFountain for acting so "stupid".

4. Witnesses Called: NONE REQUESTED.

5. DECISION OF DISCIPLINARY BOARD: The board can empathize with Mr. Slack's dilemma; however, throwing out trash does not solve the problem. He is therefore removed from Administrative lockdown and placed on disciplinary lockdown for a fifteen day period which will end on 4/19/01.



**DEPARTMENT OF CORRECTIONS
LEBANON, COUNTY, PENNSYLVANIA**

XXX	MISCONDUCT				
	OTHER				
BLOCK	CELL	INMATE'S NAME			TIME AND DATE OF MISCONDUCT
4	69	SLACK, LEVI			APPROX 10:20 P.M. 4/4/01
PLACE OF MISCONDUCT: Cell 4/69 & Dayroom Floor					
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR P)					
BLOCK	CELL	NAME	I	W	NAME
		Officer Robert Weise		X	
		Officer Josh Yeagly		X	

MISCONDUCT

1. Trashing Dayroom Floor
2. Making an Unsanitary Condition

STAFF MEMBER'S VERSION

At Approximately 10:10 P.M. on the above date inmate Levi Slack was motioning and yelling from his cell. Officer Josh Yeagly recognized inmate Slack and went to the station window flap to hear what he was yelling about, at this time C.O. Yeagly could hear inmate Slack yelling that he wanted to talk to a C.O.. Officer LaFountain then informed C.O. Yeagly that the Officers perform regular block checks and they would speak to him during a check.

Approximately 5 Minutes later inmate John Andrews who is housed on a dayroom bunk approached the station window flap and stated that inmate Slack wanted to be released from his cell so he could empty his trash. Inmate Andrews was informed that it was well passed lock-down and inmate slack would not be let out of his cell and that he could tell him that. Inmate Andrews then informed inmate Slack that he would not be released and inmate slack then began to throw his trash out on to the dayroom floor creating an unsanitary condition.

At Approximately 10:20 P.M. Sgt. Control was notified of Slack's actions and a Major Misconduct was ordered. It should be noted that Inmate Slack received 2 Hours of Block-out from 7:00 P.M. to 9:00 P.M. on this evening and did not feel the need to relieve himself of this apparent trash emergency during his 120 minutes of regularly scheduled block-out.

IMMEDIATE ACTION TAKEN AND REASON

- 1.) Inmate Slack was motioning to the Station
- 2.) Inmate Andrews approached the station and said Slack wanted out to empty trash
- 3.) Inmate Slack was denied his request and began to trash the dayroom floor.
- 4.) Major Misconduct Ordered, Slack Placed in Pre-hearing confinement.

STAFF MEMBER REPORTING MISCONDUCT

Officer Terence W. LaFountain
Officer Terence W. LaFountain

SIGNATURE AND TITLE OF BANKING OFFICER

Sgt. Gary Breidenstine
Sgt. Gary Breidenstine

DATE 04/04/01 /AND/

TIME 11:45 P.M.

INMATE GIVEN COPY OF MISCONDUCT REPORT

Yes

DEPARTMENT OF CORRECTIONS
LEBANON COUNTY, PENNSYLVANIA

ROBERT L. RAIGER
WARDEN



730 East Walnut S
Lebanon, Pennsylvania 1
(717) 274-
(717) 274-
(717) 274-

STATEMENT OF MIRANDA RIGHTS

1. You have the right to remain silent. ✓ LS
2. Anything you say can and will be used against you in a court of law. ✓ LS
3. You have the right to talk to a lawyer and have him present with you while you are being questioned. ✓ LS
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish, at no cost. LS
5. You can decide at any time to exercise these rights, and not answer any questions or make any statements. LS

WAIVER OF RIGHTS

I have read the above statements of my rights and I understand each of those rights and having these rights in mind I waive them and willingly make a statement.

Defendant

Interpreter

WITNESSED BY:

John P. Russell
Jerry L. Bennett

Date: 4/9, ~~200~~

Time: 1:46 pm

Treatment / Security
Department

LEBANON COUNTY CORRECTIONAL FACILITY

Robert L. Raiger, Warden

Michael J. Gerrity, Deputy Warden - Operations

John R. Russell, Deputy Warden - Treatment

Edward B. McIntyre, Director of Training

Michael K. Stuckey, Director of Work Release

Capt. Robert J. Karnes, Director of Security

730 E. Walnut St.
Lebanon, PA 17042

Phone: 717-274-5451
FAX: 717-274-1338

DISCIPLINARY BOARD HEARING

DATE: 11/1/00

NAME: LEVI SLACK

OFFENSE: Unauthorized Shower, Disobey, Dir. Ord, Being in Unauth Area
Disrespt. to an Officer.

DATE OF OFFENSE: 10/30/00

TIME OF OFFENSE: 10:05 A.M.

BOARD MEMBERS: CHAIRMAN: John R. Russell John R. Russell

MEMBER: C.O. Dwight Eisenhower C.O. Dwight Eisenhower

1. Miranda Rights read to LEVI SLACK by JOHN R. RUSSELL

2. Misconduct Report read to LEVI SLACK by JOHN R. RUSSELL

3. Comments of Inmate: Mr. Slack came before the board and stated that what happened was due to being under stress and confusion on the part of knowing shower procedures. He felt that since he had been released from quarantine he had been told previously, "that tomorrow is your shower day" that he was ok to take a shower. He assumed that it was just like "upstate" when you come out of the institution you can take a shower. He denies that he called the Officer "a bitch" but that he "apologized" to the Officer for disrespecting him!!

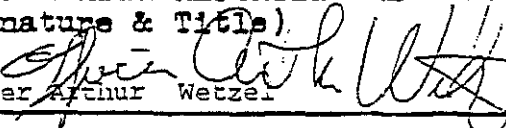
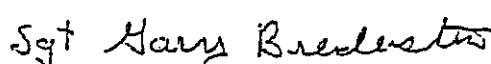
4. Witnesses Called:

None

5. DECISION OF DISCIPLINARY BOARD:

The board can accept the defense of not knowing the shower procedure how it is now; nor has there been any "excuse" for disrespect toward an officer. Therefore, Mr. Slack is sanctioned with fifteen (15) days lockup with a release date of 11/14/00. He is further cautioned that any future misconducts will be for cause and he will be removed from the institution from which he has come for them to consider as they see fit.

NOTE: Decision of Disciplinary Board may be appealed to the Warden in writing.

DEPARTMENT OF CORRECTIONS Lebanon County, Pennsylvania			
<input checked="" type="checkbox"/> MISCONDUCT <input type="checkbox"/> OTHER			
BLK.	CELL	INMATES NAME	TIME & DATE OF MISCONDUCT
2	21	Levi Slack	10:05 AM 30 Oct. 2000
PLACE OF MISCONDUCT Shower area Block 2			
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (Check I or W)			
BLK.	CELL	NAME	I W BLK. CELL NAME I
		Officer Troxell	
MISCONDUCT 1. Unauthorized shower 2. Being in unauthorized area 3. Disobeying a direct order 4. Disrespect toward an officer			
STAFF MEMBER'S VERSION <p>At approximately 10:05 AM, Officer's Wetzel and Troxell observed Inmate Levi Slack taking unauthorized shower in cell block 2. Officer Wetzel proceeded into Block 2 and instructed Mr. Slack to turn off the shower and vacate the shower area. Mr. Slack claimed that he was not aware that this was not his shower time. It should be noted that Inmate Slack was relocated to block 2 on Wednesday, October 25th and had at least one opportunity to shower with this block. Officer Wetzel made several more verbal requests but they were ignored. At this time Officer Wetzel turned to exit the block, at which time Mr. Slack poked his head through the shower curtain and shouting at Officer Wetzel said, "Hey you bitch, what the fuck man you get paid the same if I get a shower or not". Central and sergeant control were notified and a major was written.</p> <p>It should be mentioned at this point that Inmate Slack spent another 8 - 10 minutes in the shower. Should he have merely wanted to rinse the soap off as he later stated was all he wanted to accomplish it would not have taken an additional 10 minutes. The fact is that Mr. Slack was not only taking a shower but using the shower as his personal laundry area. Inmate Slack will remain in his present location in Pre-Hearing confinement until his case is reviewed by a D. B.</p>			
IMMEDIATE ACTION TAKEN AND REASON 1. Inmate observed in shower 2. Inmate told to leave shower area 3. Inmate ignored direct order 4. Inmate verbally disrespects officer 5. Central & Sgt Control notified 6. Major written			
STAFF MEMBER REPORTING MISCONDUCT (Signature & Title)  Officer Arthur Wetzel			SIGNATURE & TITLE OF RANKING OFFICER  Sergeant Gary Braidenstine
DATE 10/30/00 /and/ TIME 3:00 PM		INMATE GIVEN COPY OF MISCONDUCT REPORT Yes	
INMATES PLEA: Guilty <input type="checkbox"/> /or/ Not Guilty <input type="checkbox"/>			

[illegible]

[illegible]

LEBANON COUNTY PRISON
LEBANON, PENNSYLVANIAName: Luis S. Jach

DOCTOR'S ORDER SHEET Block: _____

Date	Order	D/C Date
10/15/00	PE #2 UA. Had a urinalysis on CH. You in court the attorney state he doesn't want me the family doctor. <u>Q. Inmate</u>	
10/27/00	He P. Longville AS (C) put on no more. <u>2000/10/27</u>	
10/27/00	Alcohol MDE if possible. <u>2000/10/27</u>	
12-6-00	Transfer Paper + all internal MDE sent to inmate to SCF. <u>Det. Jach</u>	
2-14-01	At Court today - no physical - <u>2001/2/14</u>	
2/20/01	Requesting all internal medical. App. to be in prison from State Prison inmate. Will start <u>2001/2/20</u>	
3/18/01	Apparently had some part of question inmate this am & was told he is not the murder when she came in. <u>2001/3/18</u>	
	This am. At he has written. T-100 stated General Poooy & 100 said to see him in the <u>2001/3/18</u>	
3/20/01	Requested medical - started opening another inmate in the way. I want him if he wants his meds, he needs to come directly to the window. He told me until I have a waiver on, I am not to tell him what he can do.	

LEBAN JUNTY CORRECTIONAL FA Y
PHYSICAL EXAMINATION FORM

NAME L. W. Smith DATE 10/25/00
RACE _____ SEX M AGE 32 LAST GRADE IN SCHOOL 11 + GED + 1 year

PAST MEDICAL HISTORY

Respiratory Disease <u>Asbestosis</u>	Heart Disease <u>+</u>
Kidney Disease <u>+</u>	Rheumatic Fever <u>+</u>
G/I Disease <u>+</u>	Skin Disease <u>+</u>
Pelvic Disease _____	Venereal Disease <u>+</u>
Back Disorders <u>+</u>	Seizures <u>+</u>
Diabetes <u>+</u>	Hepatitis <u>+</u>
Pregnancies _____	Fractures <u>Hand</u>
Operations <u>Uterus, Ovaries, Hysterectomy</u>	Hospitalizations <u>Several times, 8 months</u>
Tuberculosis <u>+</u>	
Previous Positive Skin Test <u>+</u> When/Where diagnosed _____	
Treatment? (medication taken, where obtained, duration) _____	
AIDS Symptoms <u>+</u>	IV Drugs <u>+</u>
Sexual Preference <u>Male</u>	Blood Transfusion <u>+</u>
Previous HIV test <u>+</u>	Street Drugs <u>Heroin, Cocaine</u>
Tobacco <u>+</u>	Alcohol <u>+</u>
Food/Drug Allergies <u>+</u>	Medications <u>Various</u>
Physician <u>+</u>	Dentist _____
Dental Problems <u>+</u>	Dentures <u>+</u> Partials _____
Glasses _____	Contacts <u>None</u>

To the best of my knowledge, the above information is true and correct.

Date: 10/25/00

Signature [Signature]

PHYSICAL EXAMINATION

EENT <u>WNL</u>	SKIN <u>WNL</u>
NECK <u>WNL</u>	NEUROLOGIC <u>WNL</u>
CARDIAC <u>WNL</u>	G/I <u>WNL</u>
RESPIRATORY <u>WNL</u>	GENITALIA <u>WNL</u>
MUSCULO/SKELETAL <u>WNL</u>	

DATE 10/27/00

SIGNATURE [Signature]

BP 120/70
Pulse _____
Respirations _____

Height 5'10"
Weight 249

Order
Date

10/27/00 Albuterol MDI 2 puffs QID PRN

URINE AND LABORATORY REPORTS

<input type="checkbox"/> COMMITMENT <input type="checkbox"/> DIAGNOSTIC	<input type="checkbox"/> COMMITMENT <input type="checkbox"/> DIAGNOSTIC	<input type="checkbox"/> COMMITMENT <input type="checkbox"/> DIAGNOSTIC	<input type="checkbox"/> COMMITMENT <input type="checkbox"/> DIAGNOSTIC
NAME:	NAME:	NAME:	NAME:
DATE:	DATE:	DATE:	DATE:
TIME:	TIME:	TIME:	TIME:
LEUKOCYTES	LEUKOCYTES	LEUKOCYTES	LEUKOCYTES
PH 5	PH	PH	PH
PROTEIN	PROTEIN	PROTEIN	PROTEIN
GLUCOSE	GLUCOSE	GLUCOSE	GLUCOSE
KETONES	KETONES	KETONES	KETONES
BILIRUBIN	BILIRUBIN	BILIRUBIN	BILIRUBIN
BLOOD	BLOOD	BLOOD	BLOOD

Ⓐ

TRANSFER HEALTH INFORMATION

Receiving Facility: Lebanon County Date of Transfer: 10/24/00

	Yes	No	If Yes, Specify
Allergies/Drug Sensitivities		<input checked="" type="checkbox"/>	
Chronic/Acute Health Problems	<input checked="" type="checkbox"/>		Asthma Hx of gout
Current Medications (Name, Dosage, Frequency, Duration, Route)	<input checked="" type="checkbox"/>		Albuterol MDI 11 puffs PO QID (Chet in kabin on self)
Current Treatment Plan		<input checked="" type="checkbox"/>	
Follow-up Care Needed		<input checked="" type="checkbox"/>	
Significant Medical History	<input checked="" type="checkbox"/>		Abdominal Surgery 1986
Restrictions (Dietary, Housing, Employment)	<input checked="" type="checkbox"/>		No work around dust, woods, or fumes. No yard or farm work
Pending Specialty Referrals (Appointment Date)		<input checked="" type="checkbox"/>	
Physical Disabilities/Limitations		<input checked="" type="checkbox"/>	See restrictions
Eyeglasses	<input checked="" type="checkbox"/>		Contact lenses
Dentures		<input checked="" type="checkbox"/>	
Assistive Devices/Prosthetic		<input checked="" type="checkbox"/>	
Mental Health Problem		<input checked="" type="checkbox"/>	
History of Suicide Attempt		<input checked="" type="checkbox"/>	Date of last attempt:
History of Psychotropic Medication		<input checked="" type="checkbox"/>	
History of Substance Abuse	<input checked="" type="checkbox"/>		
Last PPD	Date: <u>9/20/00</u>	Result: <input checked="" type="checkbox"/> Negative <input type="checkbox"/> Positive mm: <u>GO mm</u>	
Last Chest x-ray	Date: <u>9/20/00</u>	Result: <u>NAD</u>	
History of TB prophylaxis	Medication: <u>N/A</u>	Start Date: <u>N/A</u> Stop Date:	
History of treatment for TB disease	Medication: <u>N/A</u>	Start Date: <u>N/A</u> Stop Date:	

K. BAJOREK, RN
Nurse Signature, Title

10/23/00 1145
Date/Time

Transfer Health Information
Commonwealth of Pennsylvania
Department of Corrections
DC-487

Inmate Name: Sleck, Lee
Inmate Number: EK 3256
DOB: 1/26/68
Facility: SCIC

LEBANON COUNTY CORRECTIONAL FACILITY INTAKE/CLASSIFICATIONCommitment Date: 2/13/2001

Name: Ledi Slack Address: SCI Greene
 Age: 33 Date of Birth: 1/26/68 Social Security Number: 195-56-3691
 Charge: Robbery (Here from SCI Greene for Court).
 Sentence: 2 1/2-10Yrs Minium: ? Maximum: ?
 Detainer: Lebanon Bail: NONE
 Criminal History: (No prior record claimed) Is Currently serving a 2 1/2 Yr-10Yr sent
at SCI Greene for Robbery Charges.

1. Physical Condition: Excellent Good Fair X Poor
 2. Mental Condition: Excellent Good X Fair Poor
 3. Drug/Alcohol Dependence: Yes X No Advised AA/NA: X
 4. Education: High School Graduate: Yes No X Year & School

GED: Yes X No Advised GED:

5. Vocational Training/Trade School: Yes No X School Name:
 A) Years Attended: B) Training Received:
 C) College: Yes X No #of Years: 1 Sch./Major: HACC/Business Admin.
 6. Military Service/Schooling: Yes No X Not Applicable
 A) Branch: # of Years B) Discharge type:
 C) M.O.S./Job: D) Training:

Remarks: 1. X 2. 3. 4. 5. X 6.

1). Has Asthma. Uses an inhaler. Referred to Medical.

4). GED Diploma received in 1987 at Lehigh County Prison.

Reccomadation for Housing: Special Need G.P. W.R.Trustee Segregation X
 Reason for Special Needs/Segregation: Review for communicable diseases X
 Other: Placed in quarantine lockup upon commitment
 Review: Change Status: Status to remain unchanged:
 Reason:

Robert L. Raiger, Warden

Michael J. Gerrity, Deputy Warden

John R. Russell, Deputy Warden, Treatment

Anthony Hauck, Assistant Counselor

LEBANON COUNTY CORRECTIONAL FACILITY
PRETRIAL DETAINEE STRIP SEARCH FORM

SLACK, LEVI

2-13-01

NAME OF PRETRIAL DETAINEE

DATE

OFFICER J. MILLER

NAME OF COMMITMENT OFFICER

IDENTIFY THE SPECIFIC FACTORS WHICH ESTABLISH REASONABLE SUSPICION THAT THE PRETRIAL DETAINEE POSSESS A WEAPON, EVIDENCE OF A CRIME, CONTROLLED SUBSTANCES, OR OTHER CONTRABAND. CHECK ALL THE APPROPRIATE CATEGORIES AND EXPLAIN WHERE INDICATED.

A. THE APPEARANCE AND DEemeanOR OF THE DETAINEE:

XX

B. THE NATURE OF THE CRIMINAL CHARGES PENDING AGAINST DETAINEE:

XX

C. THE DETAINEE'S PRIOR CRIMINAL HISTORY (IF KNOWN):

D. DISCOVERIES FROM PRIOR SEARCHES AND ARRESTS OF DETAINEE:

E. DETAINEE'S CONDUCT DURING THE PERIOD OF CONFINEMENT:

F. DETAINEE'S KNOWN RELATIONSHIPS WITH OTHER INMATES/DETAINEES:

G. DETAINEE'S KNOWN HISTORY OF SUICIDE ATTEMPTS OR THREATS:

H. ANY OTHER REASONABLE SUSPICION BASED UPON SPECIFIC CIRCUMSTANCES THAT LEADS THE CORRECTIONAL OFFICER TO SUSPECT THAT THE DETAINEE IS CONCEALING WEAPONS, EVIDENCE OF A SPECIFIC CRIME, CONTROLLED SUBSTANCES, OR OTHER CONTRABAND.

I. DETAINEE DOES NOT EXHIBIT ANY FACTORS TO WARRANT A STRIP SEARCH. MR SLACK IS

DESCRIBE IN DETAIL THE ABOVE CHECKED CATEGORIES:

CURRENTLY SERVING A SENTENCE IN SCI GREENE & IS IN LEBANON COUNTY CORRECTIONAL FACILITY FOR SENTENCING ON ANOTHER CHARGE.

MICHAEL J. GERRITY
 DEPUTY WARDEN

X OF OPERATIONS 2-15-01
 REVIEWED BY DEPUTY WARDEN / DATE

X Officer T. Shepherd
 SEARCHING OFFICER'S SIGNATURE

X Sgt. [Signature]
 APPROVED BY: SHIFT COMMANDER/ OIC

2-13-01
 DATE

9:30PM
 TIME

LEBANON COUNTY CORRECTIONAL FACILITY
SENTENCE/COMMITMENT FORM

DEFENDANT: Levi Slack Jr.

ACTION NO. 2000-10815

OFFENSE: Various

S/L CTN # E 184832-4

SENTENCING JUDGE: R. Ely PJ

SENTENCE: C#6 - Crim. Consp. - \$

C#7 - Simp Asslt. - \$

C#8 - Crim Consp - \$

Continued

C#9 - Theft by Unlaw. Tng. - \$

C#10 - Crim Consp. - \$

Rest - \$

Ernst Beltz

SPECIAL CONDITIONS: Rest - \$

Health Assur

RECOMMENDED FOR WORK RELEASE: YES _____ / NO _____

ACUTE MEDICAL PROBLEMS: YES _____ / NO _____

DETAINERS: _____

DOMESTIC RELATIONS (PURGE AMOUNT): _____

HEARING DATE: _____

BAIL AMOUNT: _____

BENCH WARRANT: _____

OTHER REMARKS: _____

RS

2-21-2001

Michelle Chelcote

LEBANON COUNTY CORRECTIONAL FACILITY

SENTENCE/COMMITMENT FORM

DEFENDANT: Lewi Slack Jr.

ACTION NO. 2000-10815

OFFENSE: Various

S/L OTN # E 184832-4

SENTENCING JUDGE 2 Ely RI

SENTENCE: C#1 - Robbery - \$

C#2 - Robbery - \$

C#3 - Robbery - \$

C#4 - Comm. Consp - \$

Continued

C#5 - Agg. Asslt - \$

SPECIAL CONDITIONS: _____

RECOMMENDED FOR WORK RELEASE: YES _____ / NO _____

ACUTE MEDICAL PROBLEMS: YES _____ / NO _____

DETAINEES: _____

DOMESTIC RELATIONS (PURGE AMOUNT): _____

HEARING DATE: _____

BAIL AMOUNT: _____

BENCH WARRANT: _____

OTHER REMARKS: _____

RS

, 2-21-2000

Michelle Chilcote

LEBANON COUNTY CORRECTIONAL FACILITY

Robert L. Raiger, Warden
Michael J. Gerrity, Deputy Warden - Operations 730 E. Walnut St.
John R. Russell, Deputy Warden - Treatment Lebanon, PA 17042
Edward B. McIntyre, Director of Training
Michael K. Stuckey, Director of Work Release Phone: 717-274-5451
Capt. Robert J. Karnes, Director of Security FAX: 717-274-1338

PERMANENT DISCHARGE TO ANOTHER FACILITY

DISCHARGED BY: COURT ORDER DATE: 4/30/01 TIME: 7:00am
DISCHARGED TO: S.C.I. GREENE
TRANSPORTING AUTHORITY: Leb. Co. SHERIFF'S DEPT
TRANSPORTING OFFICER: X Walter L. Boyles
(TRANSPORTING OFFICERS SIGNATURE)
RELEASING OFFICER: Col. [Signature]
(RELEASING OFFICERS SIGNATURE)

PERMANENT DISCHARGE

DISCHARGED BY: COURT ORDER DATE: 4/30/01 TIME: 7:00am
BAIL: _____ FINES & COSTS PAID: _____ PAROLED: _____ CASE SETTLED: RTN TO SCI Greene ✓

FORWARDING ADDRESS UPON DISCHARGE

NAME: _____
STREET: SCI GREENE
CITY: _____ STATE: _____
PHONE: _____

COMMITMENT INFORMATION

SEARCHED BY: Officer T. Shepler RECEIVED BY: Sgt. J. Santen

I, THE UNDERSIGNED, DO HEREBY PERMIT AND ALLOW THE WARDEN OR HIS DESIGNEE, OF THE LEBANON COUNTY CORRECTIONAL FACILITY TO EXAMINE ALL OR ANY INCOMING AND OUTGOING MAIL MATTER ADDRESSED TO ME, FOR THE PURPOSE OF EXAMINING ONLY, DURING THE TERM OF MY SENTENCE IN SAID FACILITY.

WITNESS: X Officer T. Shepler SIGNED: X [Signature]
(OFFICERS SIGNATURE) (INMATES SIGNATURE)

FINGERPRINTED: Prison Site PHOTOGRAPHED: 2-13-01
(DATE & TIME) (DATE & TIME)

MADE INITIAL TELEPHONE CALL: X LOCKER #: 0-2
(YES) (NO)

Inmate Commitment Summary Report
LEBANON COUNTY PRISON

Date: 02/13/2001

Page 1 of 4

Last Name SLACK Affix JR.

First Name LEVI

Middle Name

Birth Date 01/26/1968

Current Age 33

Sex Male

Race BLACK

Marital Status MARRIED

Reason Held FOR TRIAL, HEARING, WITNESS

County Code LEBANON COUNTY

Arrested By JUDGE JOHN TYLWALK

Reported By LEBANON COUNTY SHERIFF'S DEPT.

Arrested By

Height 5' 10"

Weight

260 POUNDS

Color BROWN

Color BLACK

Flexion MEDIUM

Build LARGE MUSCULAR FRAME

Shift 3

Date/Time 02/13/2001 21:28

Officer ID# MILLER, C.O. JASON

Social Security# 195-56-3691

State ID# 171-73-58-8

County ID#

FBI#

Permanent ID# PI-05606

Booking# MMIP-0227

TID Number 553424

Property Number

NCIC Check Done No

NCIC Check Result

Fingerprint Record

Right Hand

Thumb Pinky

Left Hand

Thumb Pinky



Inmate Commitment Summary Report

LEBANON COUNTY PRISON

Date: 02/13/2001

Page 2 of 4

Inmate's Legal Address
 221 LEWIS ST.
 SCI CAMPBELL
 MINERSVILLE State PA Zip 17954-
 (570)-544-5163

Spouse/Emergency Address/Information
 Spouse Name ASHLEY SLACK-WIFE
 Line 1 221 LEWIS ST.
 Line 2
 City MINERSVILLE State PA Zip 17954-
 Spouse Phone (570)-544-5163

Emergency Contact If Different than Above BONNIE SLACK 273-4437

Citizen of UNITED STATES OF AMERICA
 Place of Birth ALLENTOWN, PA.
 Gang NONE
 Country of Birth USA
 State's License State

Employed No
 Income 0
 #Dependents 2

Religion RASTAFARIAN
 Church 0
 Highest Grade Completed 12
 Graduate of G.E.D.
 Graduation Date 01/01/1987
 Inmate Read English Yes Read Language NONE
 Inmate Write English Yes Write Language NONE

**Inmate Commitment Summary Report
LEBANON COUNTY PRISON**

Date: 02/13/2001

Page 3 of 4



Econ Status at Arrest UN	Work Release Eligible?
Fully Employed Job UNEMPLOYED	Date Eligible 00/00/0000
Last Job Position HACC-LEBANON	Valid Drivers License? No
Last Salary	State of Issue
Job Skill Rating: PART TIME	License#
Outside Debt Status CT. ORDERED FINES & COSTS	Aptitude Results
Special Skills NONE	Ever in Military? No
Education Objective NONE	Service Branch
Professional Licenses NONE	Service Start Date 00/00/0000
Current Work Assignment NONE	Service End Date 00/00/0000
Current Work Status UNAVAILABLE FOR EMPLOYMENT	Type of Discharge

Physician Name Shift 3
 Address Line 1 Date 02/13/2001 21:46
 Address Line 2 Officer MILLER, C.O. JASON

State Zip Code -
 Phone Number () - - Health Insurance Provider NONE
 Provider Access Number NONE

Special Concerns:
 Physical Handicaps NONE
 Medical Alert Information NONE
 Drug Addict Alcohol Addiction Mental Illness
 Yes No No No

**Inmate Commitment Summary Report
LEBANON COUNTY PRISON**

Date: 02/13/2001

Page 4 of 4



Offense#	Offense Description	Casenum	Grade	Degree
35780-113A1	MANUF ETC CONTROLLED SUBSTANCE	00-10815	M	
Maximum Date	Discharge Date	Effective Date	Offender Tracking#	Hearing Date
				Disposition
				UNSENT

TYLWALK

ID Numbers on File:

ID Code	ID Description	ID Number/Identifier
SC	SCAR(S)	STOMACH/STAB
SS	SOCIAL SECURITY NUMBER	195-56-3691
SI	STATE IDENTIFICATION NUMBER	S.C.I.CAMP HILL #EK-3258
SS	SOCIAL SECURITY NUMBER	UPPER LEFT ARM (SUN)

LEBANON COUNTY PRISON

Property Receipt

Date:02/13/2001

Time:21:49

Inmate Information

Name:SLACK, LEVI JR.

Booking#:MMIP-0227

PCP#:PI-05606

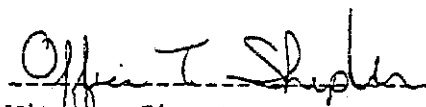
Description

SCI UNIFORM

This is to certify that I have carefully inspected the entire list of property and that I have no other items in possession of the facility. I further certify that I have no legal recourse against the facility upon signing this certification receipt.



Defendant's Signature



Witness Signature

TID _____
PIN 569187

Form LCCF 81889-B

BLOCK #2

LEBANON COUNTY CORRECTIONAL FACILITY

CELL #21

730 EAST WALNUT STREET

LEBANON, PENNA. 17042

DATE 11-23-00

INMATE REQUEST FORM

TO: Det. Carter

FROM: Mr. Levi Stack

REQUEST: My wife Ashley Stack will be coming to visit me on Tuesday 11-28-00 & I have a white sweatshirt I would like to release to her. Thank You!

Mr. L. Stack
Inmate Signature

Reply: Denial Business hrs.

Sign: X/John Stack

Approver: [Signature]

Date: _____

Disapproved: _____

Reason: _____

Staff Member answering Inmate Request: ROBERT J. KARNES

CAPTAIN OF SECURITY 11/24/00

10/24/2000

10/24/2000

DATE

NAME OF COMMITMENT OFFICER

NAME OF PRETRIAL DETAINEE

OFFICER BURTON

SLACK, LEVI JR.

LEBANON COUNTY CORRECTIONAL FACILITY
PRETRIAL DETAINEE STRIP SEARCH FORM

IDENTIFY THE SPECIFIC FACTORS WHICH ESTABLISH REASONABLE SUSPICION THAT THE PRETRIAL DETAINEE POSSESS A WEAPON, EVIDENCE OF A CRIME, CONTROLLED SUBSTANCES, OR OTHER CONTRABAND. CHECK ALL THE APPROPRIATE CATERGORIES AND EXPLAIN WHERE INDICATED.

- A. THE APPEARANCE AND Demeanor OF THE DETAINEE:
- B. THE NATURE OF THE CRIMINAL CHARGES PENDING AGAINST DETAINEE:
- C. THE DETAINEE'S PRIOR CRIMINAL HISTORY (IF KNOWN):
- D. DISCOVERIES FROM PRIOR SEARCHES AND ARRESTS OF DETAINEE:
- E. DETAINEE'S CONDUCT DURING THE PERIOD OF CONFINEMENT:
- F. DETAINEE'S KNOWN RELATIONSHIPS WITH OTHER INMATES/DETAINEES:
- G. DETAINEE'S KNOWN HISTORY OF SUICIDE ATTEMPTS OR THREATS:
- H. ANY OTHER REASONABLE SUSPICION BASED UPON SPECIFIC CIRCUMSTANCES THAT LEADS THE CORRECTIONAL OFFICER TO SUSPECT THAT THE DETAINEE IS CONCEALING WEAPONS, EVIDENCE OF A SPECIFIC CRIME, CONTROLLING SUBSTANCES, OR OTHER CONTRABAND.
- I. DETAINEE DOES NOT EXHIBIT ANY FACTORS TO WARRANT A STRIP SEARCH

MR. SLACK

DESCRIBE IN DETAIL THE ABOVE CHECKED CATEGORIES:

WAS COMMITTED TO L.C.C.F. TO APPEAR IN COURT ON DRUG RELATED CHARGES, MR. SLACK HAS

IN THIS FACILITY IN THE PAST, AND WAS TRANSFERRED TO THIS FACILITY FROM S.C.I. CAMP HILL.

X *Michael Burton*
SEARCHING OFFICER'S SIGNATURE

X *St. Clements*
APPROVED BY: SHIFT COMMANDER/ OIC

MICHAEL A. GERRITY

X *Deputy Warden*
REVIEWED BY DEPUTY WARDEN / DATE

10/24/2000

DATE

1:35 PM

TIME

LEBANON COUNTY CORRECTIONAL FACILITY INTAKE/CLASSIFICATIONCommitment Date: 10/24/00Name: Levi Slack Address: 221 Lewis St., Minersville, Pa 17954Age: 32 Date of Birth: 1/26/68 Social Security Number: 195-56-3691Charge: Mfg., Poss., w/int. to delv.Sentence: n/a Minium: n/a Maximum: n/aDetainer: none Bail: noneCriminal History: (No prior record claimed)
1999..Robbery...Easton, Pa--2.5-10 yrs

1. Physical Condition: Excellent Good ✓ Fair Poor
 2. Mental Condition: Excellent Good ✓ Fair Poor
 3. Drug/Alcohol Dependence: Yes No ✓ Advised AA/NA: ✓
 4. Education: High School Graduate: Yes No ✓ Year & School

GED: Yes ✓ No Advised GED: 5. Vocational Training/Trade School: Yes No ✓ School Name: A) Years Attended: B) Training Received: C) College: Yes No ✓ # of Years: Sch. Major: 6. Military Service/Schooling: Yes No ✓ Not Applicable A) Branch: # of Years B) Discharge type: C) M.O.S./Job: D) Training: Remarks: 1. 2. 3. 4. 5. 6. 1/87...Lehigh Co. Prison...GED....Reccomadation for Housing: Special Need G.P. W.R.Trustee Segregation ✓Reason for Special Needs/Segregation: Review for communicable diseasesOther: Review: Change Status: Status to remain unchanged: Reason:

Robert L. Raiger, Warden

Michael J. Gentry, Deputy Warden

John R. Russell, Deputy Warden, Treatment

Anthony Hauck, Assistant Counselor

DEPARTMENT OF CORRECTIONS
LEBANON COUNTY, PENNSYLVANIA

ROBERT L. RAIGER
WARDEN



730 East Walnut
Lebanon, Pennsylvania
(717) 27
(717) 27
(717) 27

STATEMENT OF MIRANDA RIGHTS

1. You have the right to remain silent. LS
2. Anything you say can and will be used against you in a court of law. LS
3. You have the right to talk to a lawyer and have him present with you while you are being questioned. LS
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish, at no cost. LS
5. You can decide at any time to exercise these rights, and not answer any questions or make any statements. LS

WAIVER OF RIGHTS

I have read the above statements of my rights and I understand each of those rights and having these rights in mind I waive them and willingly make a statement.

M. D. Schaefer
Defendant

Interpreter

WITNESSED BY:

John R. Russell

Quigley M. Eichen

Treatment
Department

Date: 11/1 2001

Time: 1:50 PM

Today's Date: 10/24/2000

LEBANON COUNTY PRISON

Page 1 of 4



Last Name SLACK Affix J.R.

First Name LEVI

Middle Name

Birth Date 01/26/1968

Age at Booking 32 Current Age 32

Sex Male

Race BLACK

Marital Status MARRIED

Admission Type HELD FOR TRIAL, HEARING, WITNESS

County Code LEBANON COUNTY

Committed By JUDGE ROBERT EBY

Transported By LEBANON COUNTY SHERIFF'S DEPT.

Arrested By

Height 5' 10"

Weight 245 POUNDS

Eye Color BROWN

Hair Color BLACK

Flexion MEDIUM

Build LARGE MUSCULAR FRAME

Shift 2

Date/Time 10/24/2000 11:25

Officer ID# BURTON, C.O. THOMAS

Social Security# 195-56-3691

State ID#

County ID#

FBI#

Permanent ID# P1-05606

Booking# MMP-1481

TID Number 569187

Property Number

NCIC Check Done No

NCIC Check Result

Fingerprint Record

Right Hand

Thumb ----- Pinky

Left Hand

Thumb ----- Pinky

LEBANON COUNTY PRISON

Today's Date: 10/24/2000

Page 2 of 4

Inmate's Legal Address

Line 1 221 LEWIS ST.

Spouse/Emergency Address/Information

Spouse Name ASHLEY SLACK-WIFE

Line 2

Line 1 221 LEWIS ST.

City MINERSVILLE State PA Zip 17954-

Line 2

Phone# (570)-544-5163

City MINERSVILLE

State PA Zip 17954-

Spouse Phone (570)-544-5163

Emergency Contact If Different than Above BONNIE SLACK 273-4437

Citizen of UNITED STATES OF AMERICA

Employed No

Place of Birth ALLENTOWN,PA.

Income

Gang NONE

#Dependants

Country of Birth USA

Drivers License State

Religion RASTAFARIAN

Church 0

Highest Grade Completed 12

Graduate of G.E.D.

Graduation Date 01/01/1987

Can Inmate Read English? Yes Read Language NONE

Can Inmate Write English? Yes Write Language NONE



LEBANON COUNTY PRISON

Today's Date: 10/24/2000

Page 3 of 4



Econ Status at Arrest UN		Work Release Eligible?	
Last Fully Employed Job UNEMPLOYED		Date Eligible 00/00/0000	
Last Job Position HACG-LEBANON		Valid Drivers License? No	
Last Salary		State of Issue	
Job Skill Rating: PART TIME		License#	
Outside Debt Status CT. ORDERED FINES & COSTS		Aptitude Results	
Special Skills NONE		Ever in Military? No	
Stated Vocation Objective NONE		Service Branch	
Professional Licenses NONE		Service Start Date 00/00/0000	
Current Work Assignment NONE		Service End Date 00/00/0000	
Current Work Status UNAVAILABLE FOR EMPLOYMENT		Type of Discharge	
Regular Physician Name NONE		Shift 2	
Address Line 1		Date 10/24/2000 12:26	
Address Line 2		Officer BURTON, C.O. THOMAS	
City	State	Zip Code	
Phone Number () -			Health Insurance Provider NONE
			Provider Access Number
Special Concerns:			
Physical Handicaps NONE			
Medical Alert Information NONE			
Drug Addict	Alcohol Addiction	Mental Illness	
Yes	No	No	

LEBANON COUNTY PRISON

Today's Date: 10/24/2000

Page 4 of 4



Offense Date Offense#

35780-113A30

Offense Description

MANUF/DEL/POSS/W INT MANUF OR DEL

Casenum

2000-10815

Grade Degree

F

Minimum Date Maximum Date Discharge Date Effective Date Offender Tracking#

Hearing Date Disposition

UNSENT

Sent. Date

Judge

EBY

Notes:

UNSENT, DRUG RELATED, NO BAIL

Immate ID Numbers on File:

ID Code	ID Description	ID Number/Identifier
SC	SCAR(S)	\$TOMACH/STAB
SS	SOCIAL SECURITY NUMBER	195-56-3691
SI	STATE IDENTIFICATION NUMBER	S.C.I.CAMP/PHIL #EK-3258
SS	SOCIAL SECURITY NUMBER	UPPER LEFT ARM (SUN)

LEBANON COUNTY CORRECTIONAL FACILITY

Robert L. Raiger, Warden
 Michael J. Gerrity, Deputy Warden - Operations
 John R. Russell, Deputy Warden - Treatment
 Edward B. McIntyre, Director of Training
 Michael K. Stuckey, Director of Work Release
 Capt. Robert J. Karnes, Director of Security

730 E. Walnut St.
 Lebanon, PA 17042
 Phone: 717-274-5451
 FAX: 717-274-1338

PERMANENT DISCHARGE TO ANOTHER FACILITY

DISCHARGED BY: _____ DATE: _____ TIME: _____

DISCHARGED TO: _____

TRANSPORTING AUTHORITY: _____

TRANSPORTING OFFICER: X
 (TRANSPORTING OFFICERS SIGNATURE)

RELEASING OFFICER: _____
 (RELEASING OFFICERS SIGNATURE)

PERMANENT DISCHARGE

DISCHARGED BY: Released to SCIC DATE: 12/7/00 TIME: 7:30 *st*

BAIL: _____ FINES & COSTS PAID: _____ PAROLED: _____ CASE SETTLED: _____

FORWARDING ADDRESS UPON DISCHARGE

NAME: Levi Slack

STREET: UNKNOWN

CITY: _____ STATE: _____

PHONE: _____

COMMITMENT INFORMATION

SEARCHED BY: Officer Burdett RECEIVED BY: Sgt. Clements

I, THE UNDERSIGNED, DO HEREBY PERMIT AND ALLOW THE WARDEN OR HIS DESIGNEE, OF THE LEBANON COUNTY CORRECTIONAL FACILITY TO EXAMINE ALL OR ANY INCOMING AND OUTGOING MAIL MATTER ADDRESSED TO ME, FOR THE PURPOSE OF EXAMINING ONLY, DURING THE TERM OF MY SENTENCE IN SAID FACILITY.

WITNESS: X [Signature] SIGNED: X [Signature]
 (OFFICERS SIGNATURE) (INMATES SIGNATURE)

FINGERPRINTED: 6/3/1999 on file PHOTOGRAPHED: 10/24/2000 1300 hrs
 (DATE & TIME) (DATE & TIME)

MADE INITIAL TELEPHONE CALL: X LOCKER #: Bagged
 (YES) (NO)

LEBANON COUNTY CORRECTIONAL FACILITY
PRETRIAL DETAINEE STRIP SEARCH FORM

Slack, Levi
 NAME OF PRETRIAL DETAINEE
Condran, James M.
 NAME OF COMMITMENT OFFICER

3-30-99

DATE

IDENTIFY THE SPECIFIC FACTORS WHICH ESTABLISH REASONABLE SUSPICION THAT THE PRETRIAL DETAINEE POSSESS A WEAPON, EVIDENCE OF A CRIME, CONTROLLED SUBSTANCES, OR OTHER CONTRABAND. CHECK ALL THE APPROPRIATE CATEGORIES AND EXPLAIN WHERE INDICATED.

X

A. THE APPEARANCE AND Demeanor OF THE DETAINEE:

B. THE NATURE OF THE CRIMINAL CHARGES PENDING AGAINST DETAINEE:

C. THE DETAINEE'S PRIOR CRIMINAL HISTORY (IF KNOWN):

D. DISCOVERIES FROM PRIOR SEARCHES AND ARRESTS OF DETAINEE:

E. DETAINEE'S CONDUCT DURING THE PERIOD OF CONFINEMENT:

F. DETAINEE'S KNOWN RELATIONSHIPS WITH OTHER INMATES/DETAINEES:

G. DETAINEE'S KNOWN HISTORY OF SUICIDE ATTEMPTS OR THREATS:

H. ANY OTHER REASONABLE SUSPICION BASED UPON SPECIFIC CIRCUMSTANCES THAT LEADS THE CORRECTIONAL OFFICER TO SUSPECT THAT THE DETAINEE IS CONCEALING WEAPONS, EVIDENCE OF A SPECIFIC CRIME, CONTROLLED SUBSTANCES, OR OTHER CONTRABAND.

I. DETAINEE DOES NOT EXHIBIT ANY FACTORS TO WARRANT A STRIP SEARCH

DESCRIBE IN DETAIL THE ABOVE CHECKED CATEGORIES:

Due to the detainee's attitude while in the holding cell waiting to be committed

I felt a strip search was warranted.

James M. Condran
 SEARCHING OFFICER'S SIGNATURE

Sgt. Clements
 APPROVED BY: SHIFT COMMANDER/ OTC

RICHARD A. CIDDITY
 DEPUTY WARDEN

REVIEWED BY DEPUTY WARDEN / DATE

3-31-99

DATE

3:15 PM

TIME

LEBANON COUNTY CORRECTIONAL FACILITY
INTAKE/CLASSIFICATIONCommitment Date: 6-4-93 ³

NAME Levi Stack ADDRESS 441 N. 13 Street Lebanon, Pa
 AGE 25 D.O.B. 1-26-68 CRIME (OFFENSE) State P.V. Tech Violation
 MIN. N/A Summary Charges
 SENTENCE N/A DETAINER P.V. State
 MAX. N/A

PAST CRIMINAL HISTORY: 1990....Lehigh Co. Consp to delv. Contraband 14-5years.
1987...Lehigh Co....Robbery...2-5 less one day..

1. PHYSICAL CONDITION: EXCELLENT GOOD X FAIR POOR
2. MENTAL CONDITION: EXCELLENT GOOD X FAIR POOR MH/MR REFERRAL
3. DRUG/ALCOHOL DEPENDENCE: YES X NO Coke/Marijuana..Rennissance.in
4. EDUCATIONAL NEEDS: H.S. GRAD. YES NO X G.E.D. YES X NO Lehigh
 TRADE SCHOOL YES NO X COLLEGE YES NO X Prison.'8
 MILITARY SCHOOLING YES NO X OTHER SCHOOLING YES NO X

Advised of N.A. meetings.

RECOMMENDATION FOR HOUSING: G.P. MED. ISO. X W.R./TRUSTY SEGREGATION

REASON FOR SEGREGATION: Medical Review

REASON FOR MEDICAL ISOLATION: Review for communicable Diseases.

REVIEW: CHANGE STATUS: X STATUS TO REMAIN UNCHANGED:

REASON: 6/07/93 - Cleared Quarantine, move to 6.P.

Robert L. Raiger JUN 16 1993
 ROBERT L. RAIGER, WARDEN

John R. Russell 6-4-93.
 JOHN R. RUSSELL, INMATE SERVICES COUNSELOR

Michael J. Gerrity
 MICHAEL J. GERRITY, DEPUTY WARDEN

Michael K. Stuckey,
 Work Release Supervisor

FBPP-340 (10/88)

PENNSYLVANIA BOARD OF PROBATION AND PAROLE

NOTICE OF CHARGES AND HEARING

Name LEVI SLACK Date June 4, 1993

Parole No. 5504-T Photo No. _____ PCP No. _____

You are charged with the following: TECHNICAL PAROLE VIOLATIONS:

CONDITION #3c: Maintain regular contact with the parole supervision staff by notifying the parole supervision staff within 72 hours of any change in status, including, but not limited to, employment, on-the-job training, and education.

On 05-25-93 you were terminated from your job at ~~Farmer's~~ Pride in Fredericksburg, Pa. You failed to notify parole supervision staff within 72 hours of losing your job.

CONDITION #7: You shall comply with the following special conditions imposed by the Board and with special conditions imposed by the parole supervision staff: "Curfew: You will be in your approved residence by 11:00 P.M. every night."

On several occasions you have violated curfew and been out of your residence after 11:00 P.M.

As a result, a PRELIMINARY hearing will be held.
Your rights for this hearing are indicated on the reverse side.

Hearing Date and Time: June 8, 1993

Public Defender:
400 S. 8th St.
Lebanon, PA 17042
(717) 274-2801
Client
Warden Raiger
Hearing Examiner
File

9:45 A.M.

Location: Lebanon County Prison

J. R. Imboden 
Signature

Parole Agent II

TO: DISTRICT ATTORNEY
COUNTY DETECTIVES
ADULT PROBATION
BAIL ADMINISTRATOR
DOMESTIC RELATIONS
PUBLIC DEFENDER

FROM: LEBANON COUNTY CORRECTIONAL FACILITY

COMMITMENT: SLACK, LEVI

ADDRESS: 441 North 13th Street
Lebanon PA 17042

DATE/TIME: 06/03/93 / 2:10 PM

CHARGE: DETAINER - State Parole Violation

BY: Jeffrey Imboden/PA

BAIL: No Bail

miss (v)

G. M. B. E.
CHIEF CLERK

L-42-93

PSPP 142 (7-67)



COMMONWEALTH OF PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

ORDER TO DETAIN FOR FORTY-EIGHT HOURS

Under the Act of April 23, 1909, P. L. 141

Date 06/03/93

To the Superintendent, Keeper or Warden of any Borough or Township or
any City or County Prison in the Commonwealth of Pennsylvania:

By virtue of the authority delegated to me by the Pennsylvania Board
of Probation and Parole, it is requested that you detain for 48 hours for
violation of parole the person of LEVI SLACK,
Parole No. 5504-T, until the prisoner can be disposed of by law.

PENNSYLVANIA BOARD OF PROBATION AND PAROLE

By:


Parole Agent

Thurs
detainer
1 to SC 1

TODAY'S DATE IS 06/03/93

PAGE 1

LEBANON COUNTY PRISON
INDIVIDUAL COMMITMENT SUMMARY REPORT

INMATE COMMITMENT SUMMARY PAGE FOR:

LEVI SLACK

PRISON IDENTIFICATION NUMBER: 93P-0459

PERMANANT IDENTIFICATION NUMBER: PI-1745

HOSPITALIZATION INSURANCE:

INSURANCE NUMBER:

RESIDENCE AT TIME OF ARREST: 441 N. 13 ST.

LEBANON, PA 17042-

PLACE OF BIRTH: ALLENTOWN PA

AGE: 25 DATE OF BIRTH: 01/25/68

WEIGHT: 200 HEIGHT: 5' 9" EYE COLOR: BROWN HAIR COLOR: BLACK

GENERAL BUILD: MMUSCULAR COMPLEXION: DARK

RACE: BLACK

MARITAL STATUS: SINGLE

SEX: M NATIONALITY: USA RELIGION: CHRISTIAN

READS ENGLISH (Y/N): Y WRITES ENGLISH (Y/N): Y

HIGHEST GRADE COMPLETED 11

MILITARY RECORD:

N/A

TRADE OR OCCUPATION: FARMS PRIDE

NEXT OF KIN: BONNIE SLACK

441 N. 13 ST.

LEBANON, PA 17042-

PLACE OF BIRTH: ALLENTOWN PA

MEDICAL ALERT:

PHYSICAL HANDICAPS:

NUMBER OF PREVIOUS ARRESTS: 3

DATE OF COMMITMENT: 06/03/93 TIME OF COMMITMENT: 02:10 P.M.

COMMITMENT OFFICER: CHERNICH, EUGENE

AVAILABLE ID NUMBERS OR ALIASES:

SOCIAL SECURITY NUMBER: 195-56-3631

STATE PAROLE NUMBER

CHARGES ON FILE:

103001 CONTROLLED SUBSTANCE, DRUG ACT - CRIMINAL CONSPIRACY (F)(M) F

COMMITTING AUTHORITY: 5.3.1077.10000000

BLOCK NO. 4
CELL NO. 65LEBANON COUNTY CORRECTIONAL FACILITY
STRIP SEARCH REPORTDATE IN: 6-3-93 TIME IN: 2:10 P.M. WEIGHT IN: _____
DATE OUT: 6/24/93 TIME OUT: _____ WEIGHT OUT: _____
INMATE NAME: SLACK, Levi

ADDRESS: _____

CASH RECEIVED FROM INMATE (AMOUNT): \$87.35 CHECK OR MONEY ORDER (AMOUNT): _____

ARTICLES PLACED IN SAFE: _____

ARTICLES PLACED IN ENVELOPE: _____

CLOTHING ON PERSON WHEN RECEIVED: CHECK ARTICLES OF CLOTHING AND INDICATE THEM IN STORAGE ROOM BY MARKING "S.R.".

HAT: _____ OVERCOAT: _____ SWEATER: _____ TROUSERS: _____ SHIRTS: _____ SHOES: _____
UNDERWEAR: _____ T-SHIRTS: _____ DRESS: _____ SUIT CASE: _____ HANDBAG: _____THE UNDERSIGNED INMATE AUTHORIZES THE
OPENING OF ALL MAIL.[Signature]
(INMATE NAME)

PRISON CLOTHING ISSUED WHILE CONFINED:

SHIRT ISSUED: 2 RETURNED: _____ MATTRESS: 1 RETURNED: _____
TROUSERS ISSUED: 1 RETURNED: _____ PILLOW CASE: 1 RETURNED: _____
SHOES ISSUED: _____ RETURNED: _____ PILLOW: _____ RETURNED: _____
BLANKET ISSUED: 1 RETURNED: _____ TOWEL: 1 RETURNED: _____
SHEET ISSUED: 1 RETURNED: _____ HANDBOOK: _____ RETURNED: _____
JACKET ISSUED: _____ RETURNED: _____ LAUNDRY BAG: _____ RETURNED: _____[Signature]
(RECEIVING OFFICER)[Signature]
(INMATE)

ARTICLES RECEIVED FROM OUTSIDE SOURCE:

(DATE) (ARTICLES) (RECEIVING OFFICER)

ARTICLES TURNED OVER TO MEMBER OF FAMILY OR OTHERS LISTED BELOW:

(DATE) (ARTICLES) (RECEIVING OFFICER)

TO BE FILLED OUT AND SIGNED UPON RELEASE:

I, THE ABOVE LISTED INMATE, HEREBY CERTIFY AND ACKNOWLEDGE THAT THERE HAS BEEN RETURNED TO ME
ON 6/24/93 ALL PERSONAL PROPERTY AND CLOTHING.[Signature]
(RELEASING OFFICER)[Signature]
(INMATE)

LEBANON COUNTY CORRECTIONAL FACILITY
RECORD OF IN/OUT
LEBANON COUNTY, PENNSYLVANIA

TEMPORARY DISCHARGE

DISCHARGE TYPE _____ DATE _____ TIME _____

TRANSFERRED TO: _____ TRANSFERRED BY: _____

TURNED OVER TO: _____ DISCHARGED BY: _____

DISCHARGE TYPE _____ DATE _____ TIME _____

TRANSFERRED TO: _____ TRANSFERRED BY: _____

TURNED OVER TO: _____ DISCHARGED BY: _____

DISCHARGE TYPE _____ DATE _____ TIME _____

TRANSFERRED TO: _____ TRANSFERRED BY: _____

TURNED OVER TO: _____ DISCHARGED BY: _____

DISCHARGE TYPE _____ DATE _____ TIME _____

TRANSFERRED TO: _____ TRANSFERRED BY: _____

TURNED OVER TO: [Signature] DISCHARGED BY: _____

PERMANENT DISCHARGE

DISCHARGED BY: TRAN SCIC DATE: 6/24/93 TIME: 9:15A

BAIL: _____ FINES & COSTS PAID: _____ PAROLED: _____ CASE SETTLED: _____

COMMITMENT INFORMATION

SEARCHED BY: Sgt. Karnes RECEIVED BY: Sgt. Karnes

I, THE UNDERSIGNED, DO HEREBY PERMIT AND ALLOW THE WARDEN OR HIS DESIGNEE, OF THE LEBANON COUNTY CORRECTIONAL FACILITY TO EXAMINE ALL OR ANY INCOMING AND OUTGOING MAIL MATTER ADDRESSED TO ME, FOR THE PURPOSE OF EXAMINING ONLY, DURING THE TERM OF MY SENTENCE IN SAID PRISON.

WITNESS: [Signature] (STAFF) SIGNED: [Signature] (INMATE)

FINGERPRINTED: 6-3-93 DATE & TIME PHOTOGRAPHED: 6-3-93 DATE & TIME

MADE INITIAL TELEPHONE CALL: X LOCKER #: 148
YES NO

LEBANON COUNTY CORRECTIONAL FACILITY

Robert L. Raiger, Warden
Michael J. Gerrity, Deputy Warden - *Admissions*
John R. Russell, Deputy Warden - *Training*
Edward B. McIntyre, Director of Training
Michael K. Stuckey, Director of Work Release
Capt. Robert J. Karnes, Director of Security

730 E. Walnut St.
Lebanon, PA 17042
Phone: 717-274-5451
FAX: 717-274-1338

DISCIPLINARY BOARD HEARING

DATE: 4/9/01

125

NAME: LEVI SLACK

OFFENSE: MAKING UNSANITARY CONDITIONS, TRASHING DAYROOM FLOOR

DATE OF OFFENSE: 4/4/01

TIME OF OFFENSE: 10:20 P.M.

BOARD MEMBERS: CHAIRMAN: JOHN R. RUSSELL

MEMBER: Perry Gernert

1. Miranda Rights read to LEVI SLACK by JOHN R. RUSSELL

2. Misconduct Report read to LEVI SLACK by JOHN R. RUSSELL

3. Comments of Inmate: Mr. Slack came before the board and did admit that he dumped his trash outside his cell due to being frustrated at attempting to speak to an Officer regarding a question that he had. He went on to say that he was getting "stircrazy" from lack of physical exercise and being "locked-down" almost constantly. He went on to state that while upstate he would be able to exercise 2-3 times a day and have a job to occupy his mind; while here it was all "deadtime". He went on to say that he had the trash pushed in front of his cell and that he cleaned it up and apologized to Officer LaFountain for acting so "stupid".

4. Witnesses Called: NONE REQUESTED.

5. DECISION OF DISCIPLINARY BOARD: The board can empathize with Mr. Slack's dilemma; however; throwing out trash does not solve the problem. He is therefore removed from Administrative lockdown and placed on disciplinary lockdown for a fifteen day period which will end on 4/19/01.

NOTE: Decision of Disciplinary Board may be appealed to the Warden in writing.

**DEPARTMENT OF CORRECTIONS
LEBANON, COUNTY, PENNSYLVANIA**

XXX	MISCONDUCT		
	OTHER		
BLOCK 4	CELL 69	INMATE'S NAME SLACK, LEVI	TIME AND DATE OF MISCONDUCT APPROX 10:20 P.M. 4/4/01

PLACE OF MISCONDUCT: Cell 4/69 & Dayroom Floor

OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR P)

BLOCK	CELL	NAME	I	W	BLOCK	CELL	NAME
		Officer Robert Weise		X			
		Officer Josh Yeagly		X			

MISCONDUCT

1. Trashing Dayroom Floor
2. Making an Unsanitary Condition

STAFF MEMBER'S VERSION

At Approximately 10:10 P.M. on the above date inmate Levi Slack was motioning and yelling from his cell. Officer Josh Yeagly recognized inmate Slack and went to the station window flap to hear what he was yelling about, at this time C.O. Yeagly could hear inmate Slack yelling that he wanted to talk to a C.O.. Officer LaFountain then informed C.O. Yeagly that the Officers perform regular block checks and they would speak to him during a check.

Approximately 5 Minutes later inmate John Andrews who is housed on a dayroom bunk approached the station window flap and stated that inmate Slack wanted to be released from his cell so he could empty his trash. Inmate Andrews was informed that it was well past lock-down and inmate slack would not be let out of his cell and that he could tell him. Inmate Andrews then informed inmate Slack that he would not be released and inmate slack then began to throw his trash out on to the dayroom floor creating an unsanitary condition.

At Approximately 10:20 P.M. Sgt. Control was notified of Slack's actions and a Major Misconduct was ordered. It Should be noted that Inmate Slack received 2 Hours of Block-out from 7:00 P.M. to 9:00 P.M. on this evening and did not feel the need to relieve himself of this apparent trash emergency during his 120 minutes of regularly scheduled block-out.

IMMEDIATE ACTION TAKEN AND REASON

- 1.) Inmate Slack was motioning to the Station
- 2.) Inmate Andrews approached the station and said Slack wanted out to empty trash
- 3.) Inmate Slack was denied his request and began to trash the dayroom floor.
- 4.) Major Misconduct Ordered, Slack Placed in Pre-hearing confinement.

STAFF MEMBER REPORTING MISCONDUCT <i>Officer Terence W. LaFountain</i> Officer Terence W. LaFountain	SIGNATURE AND TITLE OF RANKING OFFICER <i>Sgt. Gary Breidenstine</i> Sgt. Gary Breidenstine
--	---

DATE 04/04/01 /AND/ TIME 11:45 P.M. INMATE GIVEN COPY OF MISCONDUCT REPORT

YES

INMATE'S PLEA:	GUILTY		/OR/	NOT GUILTY	
----------------	--------	--	------	------------	--

DEPARTMENT OF CORRECTIONS
LEBANON COUNTY, PENNSYLVANIA

ROBERT L. RAIGER
WARDEN



730 East Walnut St
Lebanon, Pennsylvania 17
(717) 274-5
(717) 274-5
(717) 274-5

STATEMENT OF MIRANDA RIGHTS

1. You have the right to remain silent. ✓ LS
2. Anything you say can and will be used against you in a court of law. ✓ LS
3. You have the right to talk to a lawyer and have him present with you while you are being questioned. ✓ LS
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish, at no cost. LS
5. You can decide at any time to exercise these rights, and not answer any questions or make any statements. LS

WAIVER OF RIGHTS

I have read the above statements of my rights and I understand each of those rights and having these rights in mind I waive them and willingly make a statement.

[Signature]
Defendant

Interpreter

WITNESSED BY:

[Signature: John P. Russell]
[Signature: Jerry L. Bennett]

Treatment / Security
Department

Date: 4/9 2001

Time: 1 46 pm

DC-7X

TEMPORARY TRANSFER INFORMATION

COMMONWEALTH OF PENNSYLVANIA

THIS FORM IS TO BE FORWARDED TO AUTHORITIES
ACCEPTING TEMPORARY CUSTODY OF THE INMATE.

DEPARTMENT OF CORRECTIONS

TO:
LEBANON COUNTY

FROM:
SCI-GREENE
(SEE INSTRUCTIONS BELOW)

DOC #	EK3258	PROBLEM
NAME:	SLACK, LEVI JR	AREAS
HOME ADDRESS:	221 LEWIS ST.	ALCOHOL:
	MINERSVILLE PA	DRUGS: V
	17954	SEXUAL: V
	MINIMUM	ASSAULT: V
	MAXIMUM	ESCAPE: V
		SUICIDE:
		PSYCH:
SENTENCE:	0 YR 30 MO 0 DA	
EXPIR. DATE:	10/07/2002	
	4/08/2010	
CHARGE:	ROBBERY (GENERAL)	

DETAINER(S): PLEASE BE ADVISED THAT THIS INMATE IS SUBJECT TO LAWFUL COMMITMENT TO THE PA DOC, TO WHICH HE/SHE HAS NOT YET BEEN DISCHARGED. THIS INDIVIDUAL IS TO BE RETURNED TO THE CUSTODY OF THE PA DOC UPON COMPLETION OF THIS TEMPORARY TRANSFER.

THE ABOVE NAMED INMATE IS BEING TRANSFERRED ON 2/13/2001 FOR THE PURPOSE OF: SENTENCING

TO ASSIST IN SUPERVISING THIS INMATE WHILE IN YOUR CUSTODY, THE FOLLOWING INFORMATION IS FURNISHED:

CUSTODIAL CLASSIFICATION:

CUSTODY LEVEL: 3 INMATE TO BE RETURNED TO SCI-GREENE.
CUSTODY PROGRAMS

SPECIAL PROBLEMS:

IF ANY PROBLEMS, PLEASE CONTACT SCI-GREENE AT 724-852-2902.

SEPARATE FROM:

BP8415 KRATZER, ROBERT S

BZ2363 SIMMONS, RANDOLPH LEE

RECOMMENDATIONS:

RECOMMEND TIGHT SECURITY - DO NOT RELEASE INMATE WITHOUT PERMISSION.

TINA FRIDAY

DATE: 02/12/2001 SIGNATURE:

Tina Friday

TITLE: RS1

INSTRUCTIONS: THIS FORM IS TO BE GIVEN TO THE OFFICERS ASSUMING CUSTODY OF INMATE FOR DELIVERY TO THE COGNIZANT AUTHORITY. PREPARE IN DUPLICATE. RETAIN COPY FOR RECORD JACKET.

DEFENDANT'S
EXHIBIT

B

Pa Dept. of Corrections
Bureau of Data Processi.
Time: 11:49

Inmate Records System
Classification Summary
** Confidential **

Run: YR051PRG
Date: 2/12/2001
Page 1

Initial () Parole Violator () Continuation () Update ()

DOC # | SID # | PBPP # | Name | Institution
EK3258 | 1717358 8 | 5540T | SLACK, LEVI JR | GRN



Race | Sex | Date of Birth
BLACK | MALE | 1/26/1968

Height | Weight | Eyes
5 ft 10 in | 260 lbs | BLACK

Complexion | Build | Marital Status
DARK | MEDIUM | MARRIED

SSN # | Religion
195-56-3691 | OTHER

Custody Level | Program Codes
3 |

Inmate Number: EK3258

Name: LEVI SLACK

Photo Date: 01/18/2001

Problem Area: Assault: V
Alcohol: Escape: V
Drugs: V Suicide:
Sexual: V Psychiatric:
V=Verified NV=Not Verified

Recomputed Max Date: NONE FOUND

Expiration Date

10/07/2002

4/08/2010

Factored Sentences

Minimum: 2 Y 5 M 29 D

Maximum: 10 Y 0 M 0 D

ROBBERY (GENERAL)

Priors: (UNK) yes/no Detainers: (YES) yes/no More Sentences: (UNK) YES/NO

Legal Address:

221 LEWIS ST.

MINERSVILLE PA 17954

Notify: ASHLEY SLACK

221 LEWIS ST.

MINERSVILLE PA 17954

Scars, Marks, Tattoos:

TATTOOS: L/BICEP: SUN/W "SHE MECCA".

SCARS: SURGICAL SCAR ON ABDOMEN.

Alias:

STACK, LEVI - AKA

SLACK, RIGHTEOUS - AKA

More Alias on File: (NO) yes/no

Assault Escape:

Sex Offense ()

Victim Killed ()

Escape/Attempt ()

Serious/Assault ()

Violated Probation/Parole/Bail ()

Separations: (YES) yes/no

Misconducts: (YES) yes/no

STG: (NO) yes/no

PA DEPT. OF CORRECTIONS INMATE RECORDS SYSTEM RUN: YR101PRG
BUREAU OF DATA PROCESSING JACKET REPORT DATE: 2/12/2001
REMOTE PRINT TIME 11:49 PERSONAL/IDENTIFICATION PAGE: 1.00.00
=====

COMMITMENT NAME: SLACK LEVI JR
INMATE NUMBER: EK3258 STATE ID NUMBER: 1717358 8 PAROLE BOARD NUMBER: 5540T
PREVIOUS INMATE NUMBER: FBI NUMBER: 289370FA7
PHILADELPHIA PHOTO NUMBER: PITTSBURGH PHOTO NUMBER:

PERMANENT LOCATION: GREENE
TEMPORARY LOCATION:

RACE: BLACK SEX: MALE BIRTH DATE: 1/26/1968
ETHNIC IDENTITY: OTHER
MARITAL STATUS: MARRIED CITIZENSHIP: UNITED STATES OF AMERICA
RELIGION: OTHER

IN EMERGENCY,
NOTIFY - NAME: ASHLEY SLACK RELATION: WIFE PHONE: 570 544-5163
 ADDRESS: 221 LEWIS ST. MINERSVILLE PA 17954

LEGAL ADDR: 221 LEWIS ST. MINERSVILLE PA 17954

PLACE OF BIRTH - CITY: ALLENTOWN STATE: PENNSYLVANIA
 COUNTRY: UNITED STATES OF AMERICA

SOCIAL SECURITY NUMBER(S): 195-56-3691 ADDITIONAL SSN'S: NO

OCCUPATION - CODE:
 TITLE:

U. S. MILITARY VETERAN: NO DURING VIETNAM ERA: NO

COMMITMENT TIME & DATE: 12:55 8/20/2000

OTHER NAMES: STACK LEVI ALSO KNOWN AS
 SLACK RIGHTEOUS ALSO KNOWN AS

PA DEPT. OF CORRECTIONS INMATE RECORDS SYSTEM RUN: YR101PRG
 BUREAU OF DATA PROCESSING JACKET REPORT DATE: 2/12/2001
 REMOTE PRINT TIME 11:49 SENTENCE INFORMATION PAGE: 2.01.00
 =====

INMATE NUMBER: EK3258 NAME: SLACK LEVI JR

CONTINUED FROM INMATE NUMBER: ADDITIONAL SENTENCE(S)/DETAINDER(S): YES

SENTENCE STATUS: ACTIVELY SERVING STATUS DATE: 1/18/2001
 PAROLE STATUS: NOT APPLICABLE STATUS DATE: 9/20/2000

MINIMUM OFFENSE: CC3701 ROBBERY (GENERAL)
 MAXIMUM OFFENSE: CC3701 ROBBERY (GENERAL)

	CONTROLLING MINIMUM -----	CONTROLLING MAXIMUM -----
CLASS OF SENTENCE:	INDETERMINATE	INDETERMINATE
SEXUAL VIOLENT PREDATOR:	UNK	UNK
SENTENCING COUNTY:	NORTHAMPTON	NORTHAMPTON
INDICTMENT NUMBER:	2944	2944
TERM OF COURT:	1999	1999
TYPE OF SENTENCE:	STATE	STATE
STATE (TRANSFER TO/FROM):		
JUDGE:	FREEDBERG R A	FREEDBERG R A
OFFENSE TRACKING NUMBER:	F2175670	F2175670
GUILTY BUT MENTALLY ILL:		
SENTENCE DATE:	5/05/2000	5/05/2000
SENTENCE START DATE:	6/20/2000	6/20/2000
COMMITMENT CREDIT:	0 YRS 0 MOS 73 DAYS	0 YRS 0 MOS 73 DAYS
EFFECTIVE DATE:	4/08/2000	4/08/2000
COURT SENTENCE:	0 YRS 30 MOS 0 DAYS LESS 1 DAYS	0 YRS 120 MOS 0 DAYS
FACTORED SENTENCE:	2 YRS 5 MOS 29 DAYS	10 YRS 0 MOS 0 DAYS
APPLY EARN TIME:	NO	NOT APPLICABLE
MAXIMUM EARN TIME:	0 DAYS	NOT APPLICABLE
REVOKED EARN TIME:	0 DAYS	NOT APPLICABLE
BAIL TIME:	0 YRS 0 MOS 0 DAYS	0 YRS 0 MOS 0 DAYS
ESCAPE TIME:	0 YRS 0 MOS 0 DAYS	0 YRS 0 MOS 0 DAYS
SENT. INTERRUPTION TIME:	0 YRS 0 MOS 0 DAYS	0 YRS 0 MOS 0 DAYS
EXPIRATION DATE:	10/07/2002	4/08/2010
PV RECOMPUTED MAX DATE:		NOT AVAILABLE

REMARKS: COMPUTER CALCULATED: YES
 PER COURT COMMITMENT ORDER SENTENCE IS CONSECUTIVE TO ANY SENTENCE NOW SERVING.
 INMATE WAS SERVING A LEHIGH CO SENTENCED ON 12-20-99 EFF 12-3-99 AND PAROLED
 ON 6-20-00. HENCE THE EFFECTIVE DATE OF CP2944;99 IS 6-20-00 LESS CREDIT FROM
 9-22-99 TO EFFECTIVE DATE OF LEHIGH CO SENTENCE OF 12-3-99.

SENTENCE CHANGE TYPE: CHANGE DATE:
 SENTENCE CHANGE BASIS:

PA DEPT. OF CORRECTIONS. INMATE RECORDS SYSTEM RUN: YR101PRG
BUREAU OF DATA PROCESSING JACKET REPORT DATE: 2/12/2001
REMOTE PRINT TIME 11:49 TIME PERIODS PAGE: 2.01.

=====

INMATE NUMBER: EK3258 NAME: SLACK LEVI JR

TYPE OF TIME PERIOD	FROM	TO	YRS MOS DAYS	APPLY TO: MIN MAX
-----	-----	-----	-----	-----
COMMIT. CREDIT	9/22/1999	12/03/1999 OR	73	YES YES
		*** END OF DATA ***		

PA DEPT. OF CORRECTIONS
BUREAU OF DATA PROCESSING
REMOTE PRINT TIME 11:49

INMATE RECORDS SYSTEM
JACKET REPORT
PAROLE VIOLATION(S)

RUN: YR101PRG
DATE: 2/12/2001
PAGE: 3.01.00

=====

INMATE EK32S8 NOT CURRENTLY PAROLE VIOLATOR

PA DEPT. OF CORRECTIONS
COMPUTER SERVICES DIVIS N
REMOTE PRINT TIME 13:22

SEPARATIONS SYSTEM
SEPARATION LISTING
ALL NAMES

RUN ER321RPT
DATE 2/12/2001
PAGE 1

ID NUMBER(S)	NAME	LOCATION
EK3258	SLACK, LEVI JR STACK, LEVI SLACK, RIGHTEOUS	GREENE CURRENT

SEPARATE FROM: ENTERED BY: Hoff, Angie
BP8415 KRATZER, ROBERT S
KRATZER, ROBERT S

ENTRY DATE: 9/24/1991
MAHANAY
LAST DOC

REASON FOR SEPARATION:

KRATZER WAS ASSAULTED BY SLACK IN THE COUNTY PRISON. KRATZER RECEIVED
FRACTURED FACIAL BONES AND A BRUISED KNEE.

AND ALSO FROM: ENTERED BY: Hoff, Angie
BZ2363

SIMMONS, RANDOLPH L
SIMMONS, RANDOLPH L
JOHNSON, MARK L
INGRAM, SHAWN
BROWN, ROBERT L
INSRAM, SHAWN
JACKSON, KEVIN
DUNN, TASHON
WALTERS, RICHARD
MOORE, JEFFREY

ENTRY DATE: 1/12/1994
GRATERFORD
CURRENT

REASON FOR SEPARATION:

SLACK ASSAULTED SIMMONS BREAKING SIMMONS' JAW ON 10/4/93. CRIMINAL CHARGES
ARE PENDING.

LAST PAGE

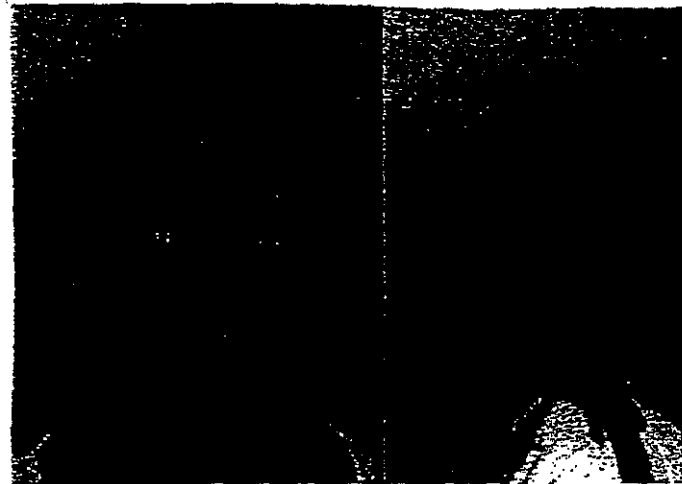
BODY RECEIPT

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

RECEIPT DATE	RECEIPT TIME	INSTITUTION
2/13/2001	13:40	

RECEIVED FROM	TITLE	AGENCY
CONNER BLAINE, JR.	SUPERINTENDENT	SCI-GREENE

INMATE NUMBER	INMATE NAME	RACE	SEX	STAT	CUST LVL	PGM CODES
EK3258	SLACK, LEVI JR	BLACK	M	AS	3	



Inmate Number: EK3258

Name: LEVI SLACK

Photo Date: 01 / 18 / 2001

NO CASH UPON RETURN Checks only

<input type="checkbox"/> TO DETAINER	<input type="checkbox"/> CONFINEMENT PAPERS	<input type="checkbox"/> RA	<input type="checkbox"/> OTHER (SPECIFY)
<input checked="" type="checkbox"/> COURT WRIT-ATA	<input checked="" type="checkbox"/> 7X GIVEN TO SHERIFF		

RECEIVED BY	TITLE	AGENCY
<i>William F. M...</i>	<i>Deputy Sheriff</i>	LEBANON COUNTY

PA DEPT. OF CORRECTIONS MISCONDUCT TRACKING SY. JM RUN: DR017RPT
COMPUTER SERVICES CONDUCT RECORD DATE: 2/12/2001
REMOTE PRINT TIME 13:22 CONDUCT VIOLATION AND DISPOSITION PAGE: 1
FROM 8/04/1997 TO 2/12/2001

=====

INMATE NUMBER: EK3258

INMATE NAME: SLACK

LOC: HUN MISCONDUCT DATE: 09/19/1997 MISCONDUCT NUMBER: 0963756

CHARGES & DISPOSITION

D 26 LYING TO AN EMPLOYE GUILTY
E 34 POSS. OF ANY ITEM NOT MENTIONED IN I GUILTY

SANCTIONS IMPOSED

CELL RESTRICTION 9/23/1997 15 DAYS
CONFISCATION OF CONTRABAND

LOC: HUN MISCONDUCT DATE: 10/03/1997 MISCONDUCT NUMBER: 0934931

CHARGES & DISPOSITION

B 07 REFUSING TO OBEY AN ORDER GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 10/03/1997 30 DAYS

LOC: HUN MISCONDUCT DATE: 12/04/1997 MISCONDUCT NUMBER: 0934963

CHARGES & DISPOSITION

B 07 REFUSING TO OBEY AN ORDER GUILTY
E 31 TAKING UNAUTHORIZED FOOD FROM DINING GUILTY

SANCTIONS IMPOSED

CELL RESTRICTION 12/09/1997 30 DAYS
CONFISCATION OF CONTRABAND

LOC: HUN MISCONDUCT DATE: 12/20/1997 MISCONDUCT NUMBER: 0222627

CHARGES & DISPOSITION

*** CHARGES DISMISSED/NOT GUILTY BY HEARING

LOC: HUN MISCONDUCT DATE: 01/30/1998 MISCONDUCT NUMBER: 0957249

CHARGES & DISPOSITION

B 09 POSSESSION OR USE OF DANGEROUS SUBSTANCE GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 2/02/1998 90 DAYS

LOC: HUN MISCONDUCT DATE: 04/27/1998 MISCONDUCT NUMBER: 0817086

CHARGES & DISPOSITION

B 07 REFUSING TO OBEY AN ORDER GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 4/28/1998 15 DAYS CONSEC to 0957249

LOC: HUN MISCONDUCT DATE: 04/28/1998 MISCONDUCT NUMBER: 0817089

CHARGES & DISPOSITION

*** CHARGES DISMISSED/NOT GUILTY BY HEARING

DEFENDANT'S
EXHIBIT

C

PA DEPT. OF CORRECTIONS MISCONDUCT TRACKING SYSTEM RUN: DR017RPT
COMPUTER SERVICES CONDUCT RECORD DATE: 2/12/2001
REMOTE PRINT TIME 13:22 CONDUCT VIOLATION AND DISPOSITION PAGE: 2
FROM 8/04/1997 TO 2/12/2001

=====

INMATE NUMBER: EK3258

INMATE NAME: SLACK

LOC: HUN MISCONDUCT DATE: 06/09/1998 MISCONDUCT NUMBER: 0955072

CHARGES & DISPOSITION

B 07 REFUSING TO OBEY AN ORDER

GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 7/09/1998 60 DAYS CONSEC to 0992190

LOC: HUN MISCONDUCT DATE: 06/09/1998 MISCONDUCT NUMBER: 0992190

CHARGES & DISPOSITION

C 22 USING ABUSIVE/OBSCENE LANGUAGE

GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 6/09/1998 30 DAYS

LOC: HUN MISCONDUCT DATE: 06/10/1998 MISCONDUCT NUMBER: 0955073

CHARGES & DISPOSITION

B 07 REFUSING TO OBEY AN ORDER

GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 9/07/1998 45 DAYS CONSEC to 0955072

LOC: HUN MISCONDUCT DATE: 07/18/1998 MISCONDUCT NUMBER: 0933943

CHARGES & DISPOSITION

B 02 FIGHTING

GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 10/22/1998 60 DAYS CONSEC to 0955073

LOC: HUN MISCONDUCT DATE: 07/27/1998 MISCONDUCT NUMBER: A091708

CHARGES & DISPOSITION

A 1N THREATENING EMPLOYE

GUILTY

C 22 USING ABUSIVE/OBSCENE LANGUAGE

GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 12/21/1998 90 DAYS CONSEC to 0933943

LOC: HUN MISCONDUCT DATE: 07/28/1998 MISCONDUCT NUMBER: 0933965

CHARGES & DISPOSITION

B 08 POSSESSION OF CONTRABAND, MONEY ETC

REDUCED

SANCTIONS IMPOSED

CONFISCATION OF CONTRABAND

LOC: HUN MISCONDUCT DATE: 07/28/1998 MISCONDUCT NUMBER: 0933967

CHARGES & DISPOSITION

B 03 THREATENING OTHER PERSON

GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 3/21/1999 60 DAYS CONSEC to A091708

PA DEPT. OF CORRECTIONS MISCONDUCT TRACKING SY. LM RUN: DR017RPT
COMPUTER SERVICES CONDUCT RECORD DATE: 2/12/2001
REMOTE PRINT TIME 13:22 CONDUCT VIOLATION AND DISPOSITION PAGE: 3
FROM 8/04/1997 TO 2/12/2001

=====

INMATE NUMBER: EK3258

INMATE NAME: SLACK

LOC: HUN MISCONDUCT DATE: 08/05/1998 MISCONDUCT NUMBER: 0933986

CHARGES & DISPOSITION

B 07 REFUSING TO OBEY AN ORDER GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 3/21/1999 30 DAYS CONSEC to A091708

LOC: HUN MISCONDUCT DATE: 08/05/1998 MISCONDUCT NUMBER: 0933987

CHARGES & DISPOSITION

B 07 REFUSING TO OBEY AN ORDER GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 4/20/1999 60 DAYS CONSEC to 0933986

LOC: HUN MISCONDUCT DATE: 08/20/1998 MISCONDUCT NUMBER: A119006

CHARGES & DISPOSITION

B 07 REFUSING TO OBEY AN ORDER GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 6/19/1999 30 DAYS CONSEC to 0933987

LOC: HUN MISCONDUCT DATE: 08/21/1998 MISCONDUCT NUMBER: A119015

CHARGES & DISPOSITION

C 22 USING ABUSIVE/OBSCENE LANGUAGE GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 7/19/1999 30 DAYS CONSEC to A119006

LOC: HUN MISCONDUCT DATE: 08/27/1998 MISCONDUCT NUMBER: A119008

CHARGES & DISPOSITION

B 07 REFUSING TO OBEY AN ORDER GUILTY

C 16 ENGAGING/ENCOURAGING UNAUTHORIZED ACT. GUILTY

C 22 USING ABUSIVE/OBSCENE LANGUAGE GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 9/17/1999 90 DAYS CONSEC to A119033

LOC: HUN MISCONDUCT DATE: 08/29/1998 MISCONDUCT NUMBER: A119033

CHARGES & DISPOSITION

B 07 REFUSING TO OBEY AN ORDER GUILTY

SANCTIONS IMPOSED

DISCIPLINARY CUSTODY 8/18/1999 30 DAYS CONSEC to A119015

PA DEPT. OF CORRECTIONS MISCONDUCT TRACKING SYSTEM RUN: DR017RPT
COMPUTER SERVICES CONDUCT RECORD DATE: 2/12/2001
REMOTE PRINT TIME 13:22 CONDUCT VIOLATION AND DISPOSITION PAGE: 4
FROM 8/04/1997 TO 2/12/2001

=====

INMATE NUMBER: EK3258

INMATE NAME: SLACK

LOC: HUN MISCONDUCT DATE: 10/16/1998 MISCONDUCT NUMBER: 0923316
CHARGES & DISPOSITION
B 07 REFUSING TO OBEY AN ORDER GUILTY

SANCTIONS IMPOSED
DISCIPLINARY CUSTODY 12/16/1999 60 DAYS CONSEC to A119008

LOC: HUN MISCONDUCT DATE: 10/26/1998 MISCONDUCT NUMBER: 0923353
CHARGES & DISPOSITION
*** CHARGES DISMISSED/NOT GUILTY BY HEARING

LOC: HUN MISCONDUCT DATE: 10/28/1998 MISCONDUCT NUMBER: 0923359
CHARGES & DISPOSITION
C 14 DESTROYING, ALTERING OR DAMAGING PROPER. GUILTY

SANCTIONS IMPOSED
DISCIPLINARY CUSTODY 4/14/2000 15 DAYS

LOC: HUN MISCONDUCT DATE: 12/09/1998 MISCONDUCT NUMBER: A106672
CHARGES & DISPOSITION
A 1N THREATENING EMPLOYE GUILTY
B 07 REFUSING TO OBEY AN ORDER GUILTY

SANCTIONS IMPOSED
DISCIPLINARY CUSTODY 4/29/2000 60 DAYS CONSEC to 0923359

LOC: HUN MISCONDUCT DATE: 12/15/1998 MISCONDUCT NUMBER: A094004
CHARGES & DISPOSITION
B 07 REFUSING TO OBEY AN ORDER GUILTY

SANCTIONS IMPOSED
DISCIPLINARY CUSTODY 6/28/2000 30 DAYS CONSEC to A106672

LOC: HUN MISCONDUCT DATE: 12/18/1998 MISCONDUCT NUMBER: A094008
CHARGES & DISPOSITION
A 1N THREATENING EMPLOYE GUILTY
B 07 REFUSING TO OBEY AN ORDER GUILTY

SANCTIONS IMPOSED
DISCIPLINARY CUSTODY 7/28/2000 90 DAYS CONSEC to A094004

LOC: HUN MISCONDUCT DATE: 12/18/1998 MISCONDUCT NUMBER: A094010
CHARGES & DISPOSITION
B 08 POSSESSION OF CONTRABAND, MONEY ETC GUILTY

SANCTIONS IMPOSED
DISCIPLINARY CUSTODY 7/28/2000 30 DAYS CONSEC to A094004
CONFISCATION OF CONTRABAND

PA DEPT. OF CORRECTIONS MISCONDUCT TRACKING SY. EM RUN: DR017RPT
COMPUTER SERVICES CONDUCT RECORD DATE: 2/12/2001
REMOTE PRINT TIME 13:22 CONDUCT VIOLATION AND DISPOSITION PAGE: 5
FROM 8/04/1997 TO 2/12/2001

=====

INMATE NUMBER: EK3258

INMATE NAME: SLACK

LOC: GRA MISCONDUCT DATE: 09/20/2000 MISCONDUCT NUMBER: A182822

CHARGES & DISPOSITION

B 35 REFUSING TO OBEY AN ORDER

REDUCED

SANCTIONS IMPOSED

REPRIMAND, WARNING, COUNSELING

1ST LEVEL OF APPEAL 10/12/2000 C 10/16/2000 UPHOLD HEAR'S DECISION

*** TOTAL NUMBER OF MISCONDUCTS: 28

LEBANON COUNTY CORRECTIONAL FACILITY

Robert L. Raiger, Warden
Michael J. Gerrity, Deputy Warden - Operations 730 E. Walnut St.
John R. Russell, Deputy Warden - Treatment Lebanon, PA 17042
Edward B. McIntyre, Director of Training
Michael K. Stuckey, Director of Work Release Phone: 717-274-5451
Capt. Robert J. Karnes, Director of Security FAX: 717-274-1338

STANDARD OPERATING PROCEDURE

APR 23 2001

Chapter #1 - Admissions:

1. Commitments from Other County Facilities
2. Commitments from State Correctional Institutions

POLICY: When individuals are committed to our facility from another county correctional facility or from a State Correctional Institution, these individuals will be placed into "Administrative Segregation" status, until they are reviewed by the Prison Management Team. When committed, the "status" of these individuals will be:

Primary - Quarantine
Temporary - Administrative Segregation
Medical - Quarantine

When cleared from Quarantine Status, the "status" will change to:

Primary - Administrative Segregation
Temporary - Administrative Segregation
Medical - None, unless recommended by Medical Department.

When an individual is committed to this facility from either another county facility or an SCI, the Sergeant or Corporal will leave a note for Captain Karnes with the name of the inmate and the facility this inmate came from. The Captain will place this inmate on his list to be reviewed by the Prison Management Team. After the inmate is reviewed, a decision will be made as to the status of this inmate. Following the Management Meeting, the Captain will advise Sergeant Control of any status changes for these inmates.

NOTE: When cleared from Quarantine status, these inmates will remain in lock-up, in Admin. Seg., until cleared by the Management Team. If at all possible, these inmates will be housed in Block #4, unless circumstances warrant placement in Isolation, due to nature of charges, length of sentence or conduct record.

This policy does NOT pertain to Federal inmates arriving at our facility to participate in the Work Release Program. These inmates are reviewed, via federal paperwork, prior to their arrival at our facility.

This policy will permit more time for Admin. Staff to review the prison file on each inmate from another county facility, or the DC-7X Temporary Transfer Info. Sheets on an inmate from a State Correctional Institution. This policy is in no way meant to "punish" any inmate, but to enable a proper classification of each inmate.

DEFENDANT'S
EXHIBIT

DEPARTMENT OF CORRECTIONS
LEBANON COUNTY, PENNSYLVANIA

ROBERT L. RAIGER
WARDEN



730 East Walnut Street
Lebanon, Pennsylvania 17042
(717) 274-5451
(717) 274-5452
(717) 274-5453

June 12, 1984

TO: All Shift Sergeants
All Shift Corporals
All Shift Members

FROM: Robert L. Raiger, Warden
Michael J. Gerrity, Deputy Warden

SUBJECT: PRIVILEGES AFFORDED TO INMATES IN LOCK-UP STATUS

The Administration has received questions from staff members concerning exactly what privileges are to be given to inmates in lock-up status. Some shifts permit inmates in lock-up status to attend Church Services, others don't. Some shifts permit inmates to attend Bible Study, others don't. To avoid future inconsistencies between shifts, the following procedures will be implemented for the disposition of inmates in lock-up status.

For simplicity purposes, the various types of lock-up status will be explained, as what type of lock-up status will determine what privileges may be afforded:

1. 24 HOUR LOCK-UP: Initiated by a 3x5 misconduct where an inmate is confined to his living quarters or call for a 24 hour period. Inmates in 24 hour lock-up are usually permitted to eat meals in the Dining Room, provided the misconduct did not occur in that area.
24 hour lock-ups are permitted Block-Out from 8 to 10:00 p.m., and may attend Church Services as long as no problems occur. 24 hour lock-ups do not participate in Max. Yard, nor are they permitted to attend extra activities such as movies, Bible Study or School classes.
2. ADMINISTRATIVE SECURITY LOCK-UP: Lock-up ordered by the Prison Administration (the accumulation of 4 or more 3x5 misconducts within a three month period constitutes a ten (10) day Administrative Lock-up.
An Administrative Lock-up may also be ordered by the Administration if an inmate is a threat to institutional security, a threat to himself/herself, or a threat to other inmates or staff members.
Inmates in Administrative Security Lock-up may be afforded Max. Yard, Church Services, etc., if approved by the Administration.
3. PROTECTIVE CUSTODY LOCK-UP: This lock-up status may be requested by an inmate who fears harm may come to him/her as a result of

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LEBANON COUNTY, PENNSYLVANIA

ROBERT L. RAIGER
WARDEN



730 East Walnut
Lebanon, Pennsylvania
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June 12, 1984

(continued)

the criminal charges lodged against him/her.

The Administration may place an inmate in Protective Custody Lock-up if deemed necessary to protect the wellbeing of an inmate, or insure prison security is not disturbed as a direct result of a certain inmate being confined to this Correctional Facility.

Inmates in Protective Custody Lock-up may be afforded Max. Yard and Church Services if approved by the Administration.

4. DISCIPLINARY BOARD LOCK-UP: This lock-up status means that an inmate is serving lock-up time dispensed by the Prison Disciplinary Board.
Inmates in Disciplinary Board Lock-up will be permitted to participate in Max. Yard and attend Church Service when noted on the results of the Disciplinary Board Decision. Inmates in this lock-up status do not attend extra activities such as movies, Bible Study, or School classes.
5. PRE-HEARING CONFINEMENT: Lock-up time served by an inmate from the time a misconduct is committed until he/she is seen by the Prison Disciplinary Board.
Inmates in Pre-Hearing Confinement do not participate in Max. Yard, but will receive Block-Out from 8 to 10:00p.m. daily. May attend Church Services as long as no problems occur. Do not attend any extra activities such as movies, Bible Study, School Classes.
6. MEDICAL ISOLATION LOCK-UP: This lock-up status may be ordered by the Medical Staff and/or Administration if an inmate is considered a risk to the remainder of the inmate population as a result of an illness, disease or chronic medical disorder. This lock-up may also be ordered to allow an inmate sufficient time to recover from an illness or medical problem.
Inmates in Medical Isolation Lock-up may participate in Max. Yard and Church Services if clearance is granted from the Administration or Medical Staff. Extra activities may also be approved depending on the severity of the medical problem.

DEPARTMENT OF CORRECTIONS
LEBANON COUNTY, PENNSYLVANIA

ROBERT L. RAIGER
WARDEN



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(717) 274-5

June 12, 1984

(continued)

7. BEHAVIOR ISOLATION LOCK-UP: Depending on the severity of a misconduct, or the chronic behavior problems created by a certain inmate, it may become necessary to isolate this inmate for the safety and security of this facility. Behavior Isolation Lock-up is served in the Attitude Adjustment Unit, or if necessary and space permits, in the Medical cells.
- Inmates in Behavior Isolation Lock-up status may be granted Max. Yard, Church Services, but each must be considered separately taking into consideration the severity of behavior, mental condition, etc.
- If the Disciplinary Board orders lock-up time to be served in isolation, it will be noted on the D.B. result. If an inmate is housed in isolation because of a mental problem, permission must be granted from the Administration.

NOTE: If block lock-ups are permitted to participate in Max. Yard operations in the morning, they will still be permitted Block-Out in the evening from 8 to 10:00p.m. daily. If block lock-ups do participate in Max. Yard, they do not shower after Max. Yard, but only in the evening during Block-out.

Any misconducts during Max. Yard or Church Services are to be properly written up and submitted to the Administration.

All Shift Members are to become familiar with the various types of lock-up utilized in this facility and the privileges afforded to inmates in these lock-ups. These procedures will permit smoother operations between shifts, and hopefully cause fewer problems. All shifts are to comply with these procedures.

Respectfully,

Robert L. Raiger
Robert L. Raiger, Warden

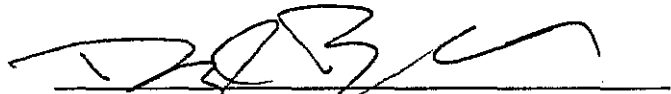
M. J. Gerrity
Michael J. Gerrity, Deputy Warden

CERTIFICATE OF SERVICE

I, David L. Schwalm, Attorney for Thomas, Thomas & Hafer, LLP, hereby certify that a copy of the foregoing document was served upon the following, by enclosing a true and correct copy in an envelope addressed as follows, postage prepaid:

Levi Slack, Jr.
MMIP-0227
c/o Lebanon County Prison
730 E. Walnut Street
Lebanon, PA 17042

THOMAS, THOMAS & HAFFER, LLP



David L. Schwalm, Esquire
Attorney I.D. # 32574
305 North Front Street
P. O. Box 999
Harrisburg, PA 17108-0999
(717) 255-7643
Attorneys for Defendants

Date: July 12, 2001

COPY

(7)
Amc
4/27

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEVI SLACK, JR.,

Plaintiff

v.

LEBANON COUNTY
CORRECTIONAL FACILITY, et al.,

Defendants

CIVIL ACTION NO. 4:CV-01-0708

(Judge Caldwell)

(Magistrate Judge Blewitt)

**FILED
SCRANTON**

APR 27 2001

ORDER

PER Amc
DEPUTY CLERK

AND NOW, this th 27 day of April, 2001, IT IS HEREBY ORDERED THAT:

1. Plaintiff's Motion for Leave to Proceed In Forma Pauperis (Doc. 2) is construed as a motion to proceed without full prepayment of fees and costs.
2. Said Motion is **GRANTED**.
3. The Clerk of Court is directed to serve Plaintiff's Complaint (Doc. 1) in accordance with Rule 4 of the Federal Rules of Civil Procedure. The Defendants are requested to waive service pursuant to Rule 4(d) of the Federal Rules of Civil Procedure.¹



THOMAS M. BLEWITT
United States Magistrate Judge

Dated: April 27, 2001

1. The Marshal will send the form Notice of Lawsuit and Request for Waiver of Service of Summons to each defendant.

copy sent to Cliff

6 RP

4-24-01

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Levi Slack, Jr.

VS

1:01-cv-708

Lebanon County
Correctional Facility, et al.

FILED
SCRANTON

APR 23 2001

STANDING PRACTICE ORDER

PER LM
DEPUTY CLERK

NOW, IT IS HEREBY ORDERED THAT upon the filing of any pro se civil complaint with this court, the Clerk of Court shall serve a copy of this Order on Plaintiff. Furthermore, if the U.S. Marshal is directed to effect service of the complaint, a copy of the Order shall be served along with the summons and the complaint.

Background

This order is intended to fully inform the parties to this action of their briefing and other responsibilities pursuant to Local Rules of Court 7.1 through 7.8 and 7.10, Local Rules 26.4 and 56.1, and Federal Rule of Civil Procedure 56.

Local Rule 7.1 provides that all pre-trial motions must be written, be accompanied by a proposed order, and include a certificate indicating whether the opposing party concurs with the motion. However, no concurrence need be sought in pro se prisoner cases. No more than one motion shall be filed under one cover. A moving party is required by Local Rule 7.2 to serve copies of his or her respective papers upon the opposing party.

If allegations of facts are relied upon in support of a motion, Local Rule 7.3 mandates that the relevant documents must be filed with the court within ten (10) days after the motion is filed. Local Rules 7.4 and 56.1 direct a party filing a motion for summary judgment to file an accompanying short and concise statement of material facts. Local Rules 7.4 and 56.1, paragraph 2 direct a party opposing a summary judgment motion to file a separate concise statement of material facts responding to the movant's statement.

Local Rule 7.5 requires that any party who files a motion shall be required to file a brief in support of that motion within ten (10) days of the filing of the motion. In the event such a moving party does not file a brief in support of his or her motion within the ten (10) day time frame, Local Rule 7.5 provides that such a party shall be deemed to have withdrawn the motion. In the event the moving party does file a timely brief in support of his or her motion, Local Rule 7.6 provides that the party against whom the motion and brief thereon is filed must file a brief in opposition to the moving party's motion, together with any opposing affidavits; deposition transcripts, or other documents, within fifteen (15) days of the filing of the brief thereon. If he or she does not file his or her brief and other documentation within the same time frame, Local Rule 7.6 provides that he or she shall be deemed not to oppose the moving party's motion and the motion may therefore be granted. Local Rule of Court 7.7 allows the moving party to file a reply brief to the responding party's opposing brief within ten (10) days of the

filing of the opposing brief. However, a reply brief is not mandatory and the failure to file one will not result in detrimental action. Local Rule 7.8 explains what the "Contents and Length of Pre-trial Briefs" should be. As stipulated in Local Rule 7.10, any motion for reconsideration or reargument shall be filed within ten (10) days after the entry of the judgment order or decree concerned.

If no discovery has been initiated in a prisoner case, the parties are directed to file appropriate motions within sixty (60) days after the closing of the pleadings as defined in Fed.R.Civ.P. 7(a). If discovery has been initiated by either party prior to that date, the time for filing said motions shall be postponed until thirty (30) days after discovery is closed in conformity with Local Rule 26.4.

Federal Rule of Civil Procedure 56(e) provides that a party who files a motion for summary judgment may file affidavits or other documentation in support of such a motion. Federal Rule of Civil Procedure 56(e) also provides that a party may not rely on the allegations set forth in his or her pleadings, such as a complaint, in the face of affidavits or other documentation filed pursuant to Rule 56 which contradict and undermine the facts set forth in such pleadings. Rather, Rule 56 provides that the party opposing a motion for summary judgment should in the face of affidavits or other supporting documentation contradicting or undermining his or her claim, file his or her own affidavits or other substantiating documentation so as to demonstrate that a genuine issue for trial exists and that summary judgment should

not be granted. Pursuant to Local Rules 7.6 and 7.8 such contravening affidavits or documentation must be filed within fifteen (15) days of the brief, affidavits and other documentation filed by the moving party in support of his or her motion for summary judgment. If such contravening affidavits or supporting documentation are not filed within this time frame, the motion for summary judgment shall be considered solely upon the affidavits or other supporting documentation filed by the party who filed the motion for summary judgment, and in light of the absence of contravening affidavits or other supporting documentation, summary judgment may be granted.

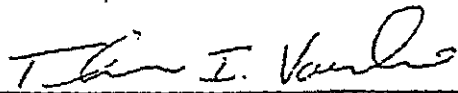
A pro se plaintiff has the affirmative obligation to keep the court informed of his or her address. Should such address change in the course of this litigation, the plaintiff shall immediately inform the court of such change, in writing. If the court is unable to communicate with the plaintiff because the plaintiff has failed to notify the court of his or her address, the plaintiff will be deemed to have abandoned the lawsuit.

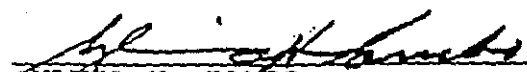
Attached to this order are copies of Local Rules 7.1 through 7.8 and 7.10, Local Rules 26.4 and 56.1, and a copy of the relevant parts of the Federal Rule of Civil Procedure 56.

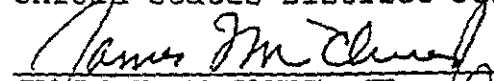
Accordingly, IT IS HEREBY ORDERED THAT:

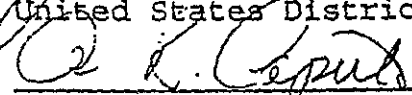
All parties shall follow the requirements of these rules or suffer the consequences of their failure to do such,


including possible dismissal of their action. Unless otherwise ordered by the court, there will be no hearing.

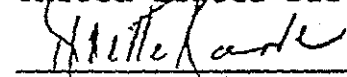

THOMAS I. VANASKIE, Chief Judge
Middle District of Pennsylvania

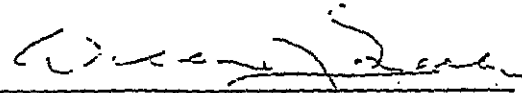

SYLVIA H. RAMBO
United States District Judge

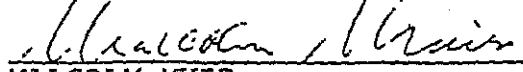

JAMES F. MCCLURE, JR.
United States District Judge



A. RICHARD CAPUTO
United States District Judge

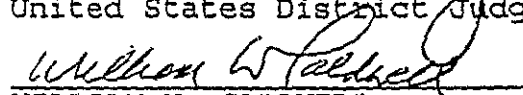

JAMES M. MUNLEY
United States District Judge

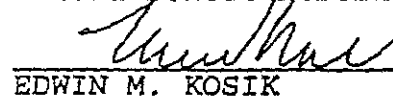

YVETTE KANE
United States District Judge


WILLIAM J. NEALON
United States District Judge


MALCOLM MUIR
United States District Judge


RICHARD P. CONABOY
United States District Judge


WILLIAM W. CALDWELL
United States District Judge


EDWIN M. KOSIK
United States District Judge

DATED: May 19, 2000